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AMENDMENTS

1986—Pub. L. 99-554, title I, § 144(g)(2), Oct. 27, 1986, 100 Stat. 3097, substituted “40” for “39” in item relating to Independent Counsel.

1983—Pub. L. 97-409, § 2(a)(2), Jan. 3, 1983, 96 Stat. 2039, substituted “Independent Counsel” for “Special Prosecutor” in item for second chapter 39.

1978—Pub. L. 95-598, title II, § 224(b), Nov. 6, 1978, 92 Stat. 2664, added item for chapter 39, “United States Trustees”, effective Oct. 1, 1979.

Pub. L. 95-521, title VI, § 601(b), Oct. 26, 1978, 92 Stat. 1873, added item for chapter 39 “Special Prosecutor”.

1966—Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 611, added items for chapters 31 and 33 and redesignated items for former chapters 31 and 33 as 35 and 37, respectively.

CHAPTER 31—THE ATTORNEY GENERAL

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530B.	Ethical standards for attorneys for the Government.

¹ Chapter heading amended by Pub. L. 100-690 without corresponding amendment of analysis.

Sec.

AMENDMENTS

1998—Pub. L. 105-277, div. A, § 101(b) [title VIII, § 801(b)], Oct. 21, 1998, 112 Stat. 2681-50, 2681-119, added item 530B.

1992—Pub. L. 102-572, title IX, § 902(b)(1), Oct. 29, 1992, 106 Stat. 4516, substituted “United States Court of Federal Claims” for “United States Claims Court” in item 520.

1988—Pub. L. 100-690, title VI, § 6281(b), Nov. 18, 1988, 102 Stat. 4369, added item 530A.

1983—Pub. L. 98-86, § 2, Aug. 26, 1983, 97 Stat. 492, added item 530.

1982—Pub. L. 97-258, § 2(g)(1)(A), Sept. 13, 1982, 96 Stat. 1060, substituted “Availability of appropriations” for “Appropriations for administrative expenses; notarial fees; meals and lodging of bailiffs” in item 524.

Pub. L. 97-164, title I, § 118(b), Apr. 2, 1982, 96 Stat. 33, substituted “United States Claims Court or in United States Court of Appeals for the Federal Circuit” for “Court of Claims” in item 520.

1978—Pub. L. 95-598, title II, § 219(c), Nov. 6, 1978, 92 Stat. 2662, inserted reference to trustees in item 526.

Pub. L. 95-521, title VI, § 603(b), Oct. 26, 1978, 92 Stat. 1875, added items 528 and 529.

1977—Pub. L. 95-139, § 1(b), Oct. 19, 1977, 91 Stat. 1171, added item 504a.

1975—Pub. L. 93-613, § 1(2), Jan. 2, 1975, 88 Stat. 1975, added item 527.

1966—Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 611, substituted “THE ATTORNEY GENERAL” for “UNITED STATES ATTORNEYS” in chapter heading, “Executive Department” for “Appointment of United States attorneys” in item 501, “Seal” for “Appointment of assistant United States attorneys” in item 502, “Attorney General” for “Appointment of attorneys” in item 503, “Deputy Attorney General” for “Tenure and oath of office; removal” in item 504, “Solicitor General” for “Residence” in item 505, “Assistant Attorney General” for “Vacancies” in item 506, “Assistant Attorney General for Administration” for “Duties; supervision by Attorney General” in item 507, “Vacancies” for “Salaries” in item 508, “Functions of the Attorney General” for “Expenses” in item 509, “Delegation of authority” for “Clerical assistants and messengers” in item 510, and added items 511 to 526.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 463 of this title; title 42 section 7192.

§ 501. Executive department

The Department of Justice is an executive department of the United States at the seat of Government.

(Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 611.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 291 (less last 10 words).	R.S. § 346 (less last 10 words).

The words “There shall be”, referring to the establishment of the Department, are omitted as executed.

PRIOR PROVISIONS

A prior section 501, acts June 25, 1948, ch. 646, 62 Stat. 909; Mar. 18, 1959, Pub. L. 86-3, § 11(a), 73 Stat. 9, related to appointment of United States attorneys, prior to repeal by Pub. L. 89-554, § 8(a), and reenactment in section 541 of this title by section 4(c) of Pub. L. 89-554.

SPECIFIC AUTHORIZATION OF APPROPRIATIONS REQUIRED FOR DEPARTMENT OF JUSTICE

Pub. L. 94-503, title II, § 204, Oct. 15, 1976, 90 Stat. 2427, provided that: “No sums shall be deemed to be author-

ized to be appropriated for any fiscal year beginning on or after October 1, 1978, for the Department of Justice (including any bureau, agency, or other similar subdivision thereof) except as specifically authorized by Act of Congress with respect to such fiscal year. Neither the creation of a subdivision in the Department of Justice, nor the authorization of an activity of the Department, any subdivision, or officer thereof, shall be deemed in itself to be an authorization of appropriations for the Department of Justice, such subdivision, or activity, with respect to any fiscal year beginning on or after October 1, 1978.”

§ 502. Seal

The Attorney General shall have a seal for the Department of Justice. The design of the seal is subject to the approval of the President.

(Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 611.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 292.	R.S. § 353.

The section is rewritten to conform to other statutes authorizing departmental seals. The words “The seal heretofore provided for the office of the Attorney General shall be” are omitted as obsolete.

PRIOR PROVISIONS

A prior section 502, act June 25, 1948, ch. 646, 62 Stat. 909, related to appointment of assistant United States attorneys, prior to repeal by Pub. L. 89-554, § 8(a), and reenactment in section 542 of this title by section 4(c) of Pub. L. 89-554.

§ 503. Attorney General

The President shall appoint, by and with the advice and consent of the Senate, an Attorney General of the United States. The Attorney General is the head of the Department of Justice.

(Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 612.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 291 (last 10 words).	R.S. § 346 (last 10 words).

The words “The President shall appoint, by and with the advice and consent of the Senate” have been added to conform the section with the Constitution. See article II, section 2, clause 2.

PRIOR PROVISIONS

A prior section 503, act June 25, 1948, ch. 646, 62 Stat. 909, related to appointment of attorneys to assist United States attorneys, prior to repeal by Pub. L. 89-554, § 8(a), and reenactment in section 543 of this title by section 4(c) of Pub. L. 89-554.

ACTIONS CHALLENGING APPOINTMENT OF ATTORNEY GENERAL ON GROUNDS OF VIOLATION OF CONSTITUTIONAL PROVISIONS GOVERNING COMPENSATION AND OTHER EMOLUMENTS

Pub. L. 93-178, § 2, Dec. 10, 1973, 87 Stat. 697, provided that:

“(a) Any person aggrieved by an action of the Attorney General may bring a civil action in the appropriate district court to contest the constitutionality of the appointment and continuance in office of the Attorney General on the ground that such appointment and con-

tinuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States district courts shall have exclusive jurisdiction, without regard to the sum or value of the matter in controversy, to determine the validity of such appointment and continuance in office.

“(b) Any action brought under this section shall be heard and determined by a panel of three judges in accordance with the provisions of section 2284 of title 28, United States Code. Any appeal from the action of a court convened pursuant to such section shall lie to the Supreme Court.

“(c) Any judge designated to hear any action brought under this section shall cause such action to be in every way expedited.”

CROSS REFERENCES

Compensation of Attorney General, see section 5312 of Title 5, Government Organization and Employees.

Office of Justice Programs, see section 3711 of Title 42, The Public Health and Welfare.

§ 504. Deputy Attorney General

The President may appoint, by and with the advice and consent of the Senate, a Deputy Attorney General.

(Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 612.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 294.	Mar. 3, 1903, ch. 1006, § 1 (so much of 2d par. under “Department of Justice” as provides for appointment, pay, and duties of an assistant to the Attorney General), 32 Stat. 1062.
.....	[Uncodified].	1950 Reorg. Plan No. 2, § 3, eff. May 24, 1950, 64 Stat. 1261.

The words “may appoint” are substituted for “is authorized to appoint”. So much of the Act of Mar. 3, 1903, as relates to pay is omitted as superseded by § 303(c) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416, which is codified in section 5314 of title 5, United States Code.

PRIOR PROVISIONS

A prior section 504, acts June 25, 1948, ch. 646, 62 Stat. 909; Mar. 18, 1959, Pub. L. 86-3, § 11(b), 73 Stat. 9, related to tenure and oath of office of United States attorneys, prior to repeal by Pub. L. 89-554, § 8(a), and reenactment in sections 541 and 544 of this title by section 4(c) of Pub. L. 89-554.

CROSS REFERENCES

Compensation of Deputy Attorney General, see section 5313 of Title 5, Government Organization and Employees.

§ 504a. Associate Attorney General

The President may appoint, by and with the advice and consent of the Senate, an Associate Attorney General.

(Added Pub. L. 95-139, § 1(a), Oct. 19, 1977, 91 Stat. 1171.)

CROSS REFERENCES

Compensation of Associate Attorney General, see section 5314 of Title 5, Government Organization and Employees.

§ 505. Solicitor General

The President shall appoint in the Department of Justice, by and with the advice and consent of

the Senate, a Solicitor General, learned in the law, to assist the Attorney General in the performance of his duties.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 612.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 293.	R.S. §347 (less last sentence).

So much of R.S. §347 as relates to the pay of the Solicitor General is omitted as superseded by §303(c) of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 416, which is codified in section 5314 of title 5, United States Code.

PRIOR PROVISIONS

A prior section 505, act June 25, 1948, ch. 646, 62 Stat. 909, related to residence of United States attorneys, prior to repeal by Pub. L. 89-554, §8(a), and reenactment in section 545 of this title by section 4(c) of Pub. L. 89-554.

CROSS REFERENCES

Compensation of Solicitor General, see section 5314 of Title 5, Government Organization and Employees.

§ 506. Assistant Attorneys General

The President shall appoint, by and with the advice and consent of the Senate, ten Assistant Attorneys General, who shall assist the Attorney General in the performance of his duties.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 612; amended Pub. L. 95-598, title II, §218, Nov. 6, 1978, 92 Stat. 2662.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 295.	R.S. §348. July 11, 1890, ch. 667, §1 (words between 3d and 4th semicolons under "Department of Justice"), 26 Stat. 265. Mar. 3, 1903, ch. 1006, §1 (so much of 2d par. under "Department of Justice" as provides for appointment, pay, and duties of an additional Assistant Attorney General), 32 Stat. 1062. July 16, 1914, ch. 141, §1 (words between 3d and 4th semicolons under "Department of Justice"), 38 Stat. 497. Mar. 4, 1915, ch. 141, §1 (words between 3d and 4th semicolons under "Department of Justice"), 38 Stat. 1038. June 16, 1933, ch. 101, §16(b), 48 Stat. 308. Mar. 2, 1943, ch. 7, 57 Stat. 4. 1950 Reorg. Plan No. 2, §4, eff. May 24, 1950, 64 Stat. 1261. 1953 Reorg. Plan No. 4, §2, eff. June 20, 1953, 67 Stat. 636. Sept. 9, 1957, Pub. L. 85-315, §111, 71 Stat. 637.
.....	[Uncodified].	
.....	[Uncodified].	
.....	5 U.S.C. 295-1.	

The words "There shall be in the Department of Justice" are omitted as unnecessary as the title of the positions establishes their location in the Department of Justice.

The position of sixth Assistant Attorney General, referred to in the Acts of July 16, 1914, and Mar. 4, 1915, was made a permanent position by the Act of Mar. 4, 1915, ch. 141, §6, 38 Stat. 1049.

The number of Assistant Attorneys General referred to in the Act of Mar. 2, 1943, is changed from "six" to "nine" to reflect the three additional Assistant Attorneys General authorized by 1950 Reorg. Plan No. 2, 1953 Reorg. Plan No. 4, and the Act of Sept. 9, 1957.

The words "learned in the law" are omitted as unnecessary. Such a requirement is not made of the Attorney General, United States attorneys, or United States judges. (See reviser's note under 28 U.S.C. 501, 1964 ed.)

The reference in former section 295 of title 5 to the Assistant Attorneys General assisting the Solicitor General are omitted on authority of the transfer of functions made by 1950 Reorg. Plan No. 2 and 1953 Reorg. Plan No. 4.

Provisions of 1950 Reorg. Plan No. 2, §4, and 1953 Reorg. Plan No. 4, §2, abolishing positions and transferring incumbents are omitted as executed.

Provisions relating to pay of Assistant Attorneys General are omitted as superseded by §303(d) of the Act of August 14, 1964, Pub. L. 88-426, 78 Stat. 418, which is codified in section 5315 of title 5, United States Code.

PRIOR PROVISIONS

A prior section 506, act June 25, 1948, ch. 646, 62 Stat. 909, related to vacancies in the office of United States attorney, prior to repeal by Pub. L. 89-554, §8(a), and reenactment in section 546 of this title by section 4(c) of Pub. L. 89-554.

AMENDMENTS

1978—Pub. L. 95-598 substituted "ten" for "nine".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Nov. 6, 1978, see section 402(d) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

CROSS REFERENCES

Compensation of Assistant Attorneys General, see section 5315 of Title 5, Government Organization and Employees.

§ 507. Assistant Attorney General for Administration

(a) The Attorney General shall appoint, with the approval of the President, an Assistant Attorney General for Administration, who shall perform such duties as the Attorney General may prescribe.

(b) The position of Assistant Attorney General for Administration is in the competitive service.

(c) Notwithstanding the provisions of section 901 of title 31, United States Code, the Assistant Attorney General for Administration shall be the Chief Financial Officer of the Department of Justice.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 612; amended Pub. L. 106-113, div. B, §1000(a)(1) [title I, §111], Nov. 29, 1999, 113 Stat. 1535, 1501A-20.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	[Uncodified].	1950 Reorg. Plan No. 2, §5 eff. May 24, 1950, 64 Stat. 1261.

The title of the position was changed to "Assistant Attorney General for Administration" by §307 of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 432.

The words "competitive service" are substituted for "classified civil service" because the term "classified civil service" formerly used to designate the merit system established by the Civil Service Act of 1883 has become ambiguous due to the creation of the "classified" pay system. The term "competitive service" is now customarily used, and appears throughout title 5, United States Code, in place of "classified civil service".

The words “There shall be in the Department of Justice” are omitted as unnecessary as the title of the position and the fact of appointment by the Attorney General establish the location of the position in the Department of Justice.

The last 12 words of section 5 of the Reorganization Plan are omitted on authority of the Act of June 5, 1952, ch. 369, §1101 (3d proviso), 66 Stat. 121. The salary of the position is now fixed by §303(e) of the Act of Aug. 14, 1964, Pub. L. 88–426, 78 Stat. 420, which is codified in section 5316 of title 5, United States Code.

PRIOR PROVISIONS

A prior section 507, acts June 25, 1948, ch. 646, 62 Stat. 910; May 24, 1949, ch. 139, §71, 63 Stat. 100, related to duties of United States attorneys, and to supervision by the Attorney General, prior to repeal by Pub. L. 89–554, §8(a), and reenactment in sections 509 and 547 of this title by section 4(c) of Pub. L. 89–554.

AMENDMENTS

1999—Subsec. (c). Pub. L. 106–113 added subsec. (c).

CROSS REFERENCES

Compensation of Assistant Attorney General for Administration, see section 5316 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 section 7422.

§ 508. Vacancies

(a) In case of a vacancy in the office of Attorney General, or of his absence or disability, the Deputy Attorney General may exercise all the duties of that office, and for the purpose of section 3345 of title 5 the Deputy Attorney General is the first assistant to the Attorney General.

(b) When by reason of absence, disability, or vacancy in office, neither the Attorney General nor the Deputy Attorney General is available to exercise the duties of the office of Attorney General, the Associate Attorney General shall act as Attorney General. The Attorney General may designate the Solicitor General and the Assistant Attorneys General, in further order of succession, to act as Attorney General.

(Added Pub. L. 89–554, §4(c), Sept. 6, 1966, 80 Stat. 612; amended Pub. L. 95–139, §2, Oct. 19, 1977, 91 Stat. 1171.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	[Uncodified].	R.S. §347 (last sentence). 1953 Reorg. Plan No. 4, §1, eff. June 20, 1953, 67 Stat. 636.

The last sentence of R.S. §347 is cited as authority inasmuch as the function contained therein was the function transferred to the Deputy Attorney General by 1953 Reorg. Plan No. 4. The word “may” is substituted for “have the power”. The words “During any period of time” are omitted as unnecessary.

PRIOR PROVISIONS

A prior section 508, acts June 25, 1948, ch. 646, 62 Stat. 910; Mar. 2, 1955, ch. 9, §2(a), 69 Stat. 10; Oct. 11, 1962, Pub. L. 87–793, §1003(a), 76 Stat. 865; Aug. 14, 1964, Pub. L. 88–426, title III, §306(a)(1), 78 Stat. 428; Oct. 6, 1964, Pub. L. 88–631, §3(b), 78 Stat. 1008, related to salaries of United States attorneys, assistant United States attorneys, and special attorneys, prior to repeal by Pub. L. 89–554, §8(a), and reenactment in section 548 of this title by section 4(c) of Pub. L. 89–554.

AMENDMENTS

1977—Subsec. (b). Pub. L. 95–139 substituted “the Associate Attorney General shall act as Attorney General. The Attorney General may designate the Solicitor General and the Assistant Attorneys General, in further order of succession, to act as Attorney General” for “the Assistant Attorneys General and the Solicitor General, in such order of succession as the Attorney General may from time to time prescribe, shall act as Attorney General”.

§ 509. Functions of the Attorney General

All functions of other officers of the Department of Justice and all functions of agencies and employees of the Department of Justice are vested in the Attorney General except the functions—

(1) vested by subchapter II of chapter 5 of title 5 in administrative law judges employed by the Department of Justice;

(2) of the Federal Prison Industries, Inc.; and

(3) of the Board of Directors and officers of the Federal Prison Industries, Inc..¹

(Added Pub. L. 89–554, §4(c), Sept. 6, 1966, 80 Stat. 612; amended Pub. L. 95–251, §2(a)(6), Mar. 27, 1978, 92 Stat. 183; Pub. L. 98–473, title II, §228(a), Oct. 12, 1984, 98 Stat. 2030.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	[Uncodified].	1950 Reorg. Plan No. 2, §1, eff. May 24, 1950, 64 Stat. 1261.

The section is restated to allow incorporation into this chapter.

[The Historical and Revision Notes for former section 507, from which this section is partially derived, is set out under section 547 of this title.]

PRIOR PROVISIONS

A prior section 509, act June 25, 1948, ch. 646, 62 Stat. 910, related to expenses of United States attorneys, prior to repeal by Pub. L. 89–554, §8(a), and reenactment in section 549 of this title by section 4(c) of Pub. L. 89–554.

AMENDMENTS

1984—Pub. L. 98–473 inserted “and” at end of cl. (2), substituted a period for “; and” at end of cl. (3), and struck out cl. (4) which related to functions of Board of Parole.

1978—Cl. (1). Pub. L. 95–251 substituted “administrative law judges” for “hearing examiners”.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 235(a)(1)(B)(ii)(IV) of Pub. L. 98–473 provided that the amendment made by Pub. L. 98–473 is effective Oct. 12, 1984.

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to the Attorney General, see Parts 1, 2, and 11 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

REIMBURSEMENT OF EMPLOYEES TRAVELING ON BEHALF OF UNITED STATES IN TEMPORARY DUTY STATUS

Pub. L. 104–208, div. A, title I, §101(a) [title I, §115], Sept. 30, 1996, 110 Stat. 3009, 3009–22, provided that: “Effective with the enactment of this Act [Sept. 30, 1996]

¹ So in original.

and in any fiscal year hereafter, under policies established by the Attorney General, the Department of Justice may reimburse employees who are paid by an appropriation account within the Department of Justice and are traveling on behalf of the United States in temporary duty status to investigate, prosecute, or litigate (including the provision of support therefor) a criminal or civil matter, or for other similar special circumstances, for Federal, State, and local taxes heretofore and hereafter resulting from any reimbursement of travel expenses from an appropriation account within the Department of Justice: *Provided*, That such reimbursement may include an amount equal to all income taxes for which the employee would be liable due to such reimbursement."

OVERSEAS LAW ENFORCEMENT TRAINING ACTIVITIES

Pub. L. 104-132, title VIII, §801, Apr. 24, 1996, 110 Stat. 1304, provided that: "The Attorney General and the Secretary of the Treasury are authorized to support law enforcement training activities in foreign countries, in consultation with the Secretary of State, for the purpose of improving the effectiveness of the United States in investigating and prosecuting transnational offenses."

REIMBURSEMENT BY OTHER GOVERNMENT AGENCIES OF DEPARTMENT OF JUSTICE SALARIES AND EXPENSES IN HIGH-COST LITIGATION

Pub. L. 103-317, title I, §109, Aug. 26, 1994, 108 Stat. 1735, provided that: "Notwithstanding 31 U.S.C. 3302 or any other law, in litigation involving unusually high costs, the Department of Justice may receive and retain reimbursement for salaries and expenses, for fiscal year 1995 and thereafter, from any other governmental component being represented in the litigation."

NEIGHBORHOOD REVITALIZATION

Pub. L. 102-395, title I, Oct. 6, 1992, 106 Stat. 1830, provided in part: "That for fiscal year 1993 and thereafter the Attorney General shall (1) promote neighborhood revitalization by developing a plan for the use of Federal funds appropriated for selected activities in the Departments of Labor, Education, Health and Human Services, Transportation, Agriculture, and Housing and Urban Development; (2) the Attorney General shall solicit from State and local governments plans to revitalize neighborhoods using programs administered by such agencies; and (3) the Attorney General shall review and approve such plans in consultation with the Federal agency to which funds are appropriated".

PROCUREMENT OF EXPERT WITNESSES WITHOUT REGARD TO COMPETITIVE PROCUREMENT PROCEDURES

Pub. L. 102-140, title VI, §611(a), Oct. 28, 1991, 105 Stat. 832, provided that, notwithstanding any other provision of law: "For fiscal year 1992 and thereafter, the Department of Justice may procure the services of expert witnesses for use in preparing or prosecuting a civil or criminal action, without regard to competitive procurement procedures, including the Commerce Business Daily publication requirements: *Provided*, That no witness shall be paid more than one attendance fee for any calendar day."

STRUCTURAL REFORMS TO IMPROVE FEDERAL RESPONSE TO CRIMES AFFECTING FINANCIAL INSTITUTIONS

Pub. L. 101-647, title XXV, §§2536-2539, Nov. 29, 1990, 104 Stat. 4883, 4884, provided that:

"SEC. 2536. ESTABLISHMENT OF FINANCIAL INSTITUTIONS CRIME UNIT AND OFFICE OF SPECIAL COUNSEL FOR FINANCIAL INSTITUTIONS CRIME UNIT.

"(a) ESTABLISHMENT.—There is established within the Office of the Deputy Attorney General in the Department of Justice a Financial Institutions Fraud Unit to be headed by a special counsel (hereafter in this title [probably means this subtitle which is subtitle D

(§§2536-2540) of title XXV of Pub. L. 101-647, which amended section 1441a of Title 12, Banks and Banking, and enacted this note] referred to as the 'Special Counsel').

"(b) RESPONSIBILITY.—The Financial Institutions Fraud Unit and the Special Counsel shall be responsible to and shall report directly to the Deputy Attorney General.

"(c) SUNSET.—The provisions of this section shall cease to apply at the end of the 5-year period beginning on the date of the enactment of this Act [Nov. 29, 1990].

"SEC. 2537. APPOINTMENT RESPONSIBILITIES AND COMPENSATION OF THE SPECIAL COUNSEL.

"(a) APPOINTMENT.—The Special Counsel shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) RESPONSIBILITIES.—The Special Counsel shall—

"(1) supervise and coordinate investigations and prosecutions within the Department of Justice of fraud and other criminal activity in and against the financial services industry, including, to the extent consistent with the independent counsel provision of chapter 40 of title 28, United States Code, any such activity by any current or former elected official or high-level executive branch official or any member of the immediate family of any such official;

"(2) ensure that Federal law relating to civil enforcement, asset seizure and forfeiture, money laundering, and racketeering are used to the fullest extent authorized to recover the proceeds of unlawful activities from persons who have committed crimes in and against the financial services industry; and

"(3) ensure that adequate resources are made available for the investigation and prosecution of fraud and other criminal activity in and against the financial services industry.

"(c) COMPENSATION.—The Special Counsel shall be paid at the basic pay payable for level V of the Executive Schedule.

"SEC. 2538. ASSIGNMENT OF PERSONNEL.

"There shall be assigned to the Financial Institutions Fraud Unit such personnel as the Attorney General deems necessary to provide an appropriate level of enforcement activity in the area of fraud and other criminal activity in and against the financial services industry.

"SEC. 2539. FINANCIAL INSTITUTIONS FRAUD TASK FORCES.

"(a) ESTABLISHMENT.—The Attorney General shall establish such financial institutions fraud task forces as the Attorney General deems appropriate to ensure that adequate resources are made available to investigate and prosecute crimes in or against financial institutions and to recover the proceeds of unlawful activities from persons who have committed fraud or have engaged in other criminal activity in or against the financial services industry.

"(b) SUPERVISION.—The Attorney General shall determine how each task force shall be supervised and may provide for the supervision of any task force by the Special Counsel.

"(c) SENIOR INTERAGENCY GROUP.—

"(1) ESTABLISHMENT.—The Attorney General shall establish a senior interagency group to assist in identifying the most significant financial institution fraud cases and in allocating investigative and prosecutorial resources where they are most needed.

"(2) MEMBERSHIP.—The senior interagency group shall be chaired by the Special Counsel and shall include senior officials from—

"(A) the Department of Justice, including representatives of the Federal Bureau of Investigation, the Advisory Committee of United States Attorneys, and other relevant entities;

"(B) the Department of the Treasury;

"(C) the Office of Thrift Supervision;

"(D) the Resolution Trust Corporation;

"(E) the Federal Deposit Insurance Corporation;

“(F) the Office of the Comptroller of the Currency;

“(G) the Board of Governors of the Federal Reserve System; and

“(H) the National Credit Union Administration.

“(3) DUTIES.—This senior interagency group shall enhance interagency coordination and assist in accelerating the investigations and prosecution of financial institutions fraud.”

AUTHORIZATION OF APPROPRIATIONS FOR HUMANITARIAN EXPENSES INCURRED BY FEDERAL BUREAU OF INVESTIGATION AND DRUG ENFORCEMENT ADMINISTRATION

Pub. L. 101-647, title XXXII, §3201, Nov. 29, 1990, 104 Stat. 4916, as amended by Pub. L. 105-277, div. A, §101(b) [title I, §109(a)], Oct. 21, 1998, 112 Stat. 2681-50, 2681-67, provided that: “Appropriations in this or any other Act hereafter for the Federal Bureau of Investigation, the Drug Enforcement Administration, or the Immigration and Naturalization Service are available, in an amount of not to exceed \$25,000 each per fiscal year, to pay humanitarian expenses incurred by or for any employee thereof (or any member of the employee’s immediate family) that results from or is incident to serious illness, serious injury, or death occurring to the employee while on official duty or business.”

INVESTIGATION OF FINANCIAL INSTITUTIONS; ASSISTANCE OF GOVERNMENT PERSONNEL

Pub. L. 101-509, title V, §528, Nov. 5, 1990, 104 Stat. 1427, as amended by Pub. L. 103-322, title XXXII, §320923, Sept. 13, 1994, 108 Stat. 2131, provided that:

“(a) Notwithstanding any other law and in any fiscal year—

“(1) The Attorney General shall accept, and Federal departments and agencies, including the United States Secret Service, the Internal Revenue Service, the Resolution Trust Corporation, and the appropriate Federal banking agency, may provide, without reimbursement, the services of attorneys, law enforcement personnel, and other employees of any other departments or agencies of the Federal Government to assist the Department of Justice, subject to the supervision of the Attorney General, in the investigation and prosecution of fraud or other criminal or unlawful activity in or against any federally insured financial institution or the Resolution Trust Corporation;

“(2) any attorney of a department or agency whose services are accepted pursuant to paragraph (1) may, subject to the supervision of the Attorney General, conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings and proceedings before committing magistrates, and perform any other investigative or prosecutorial function, which United States attorneys are authorized by law to conduct or perform whether or not the attorney is a resident of the district in which the proceeding is brought; and

“(3) law enforcement personnel of the United States Secret Service are authorized, subject to the supervision of the Attorney General, to conduct or perform any kind of investigation, civil or criminal, related to fraud or other criminal or unlawful activity in or against any federally insured financial institution or the Resolution Trust Corporation, which the Department of Justice law enforcement personnel are authorized by law to conduct or perform: *Provided*, That the Secret Service shall not initiate investigations pursuant to this section independent of the supervision of the Attorney General.

“(b) This section—

“(1) shall not, except as expressly provided herein, alter the authority of any Federal law enforcement agency; and

“(2) shall expire on December 31, 2004.

“(c) This section applies notwithstanding any other provision of law enacted by the 101st Congress after October 15, 1990, that by its terms would grant authority

to, or otherwise affect the authority of, the Secret Service or other departments or agencies of the Federal Government to conduct or to assist the Department of Justice in conducting investigations or prosecutions of fraud or other criminal or unlawful activity in or against any federally insured financial institution or the Resolution Trust Corporation, and any other such provision shall not be effective in granting or otherwise affecting any such authority.”

PROCESSING OF NAME CHECKS AND BACKGROUND RECORDS FOR NONCRIMINAL EMPLOYMENT, LICENSING, AND HUMANITARIAN PURPOSES

Pub. L. 101-162, title II, Nov. 21, 1989, 103 Stat. 995, provided in part: “That for fiscal year 1990 and hereafter the Chief, United States National Central Bureau, INTERPOL, may establish and collect fees to process name checks and background records for noncriminal employment, licensing, and humanitarian purposes and, notwithstanding the provisions of 31 U.S.C. 3302, credit such fees to this appropriation to be used for salaries and other expenses incurred in providing these services”.

EXPENSES OF LEGAL DEFENSE FOR FEDERAL GOVERNMENT EMPLOYEES PERFORMING OFFICIAL DUTIES; FEES AND EXPENSES OF WITNESSES

Pub. L. 101-162, title II, Nov. 21, 1989, 103 Stat. 997, provided: “That for fiscal year 1990 and hereafter the Attorney General may enter into reimbursable agreements with other Federal Government agencies or components within the Department of Justice to pay expenses of private counsel to defend Federal Government employees sued for actions while performing their official duties: *Provided further*, That for fiscal year 1990 and hereafter the Attorney General, upon notification to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 606 of this Act [Pub. L. 101-162, title VI, Nov. 21, 1989, 103 Stat. 1031], may authorize litigating components to reimburse this account for expert witness expenses when it appears current allocations will be exhausted for cases scheduled for trial in the current fiscal year.”

UNIFORMS AND ALLOWANCES

Pub. L. 101-162, title II, §203, Nov. 21, 1989, 103 Stat. 1002, provided that: “For fiscal year 1990 and hereafter, appropriations for ‘Salaries and expenses, General Administration’, ‘Salaries and expenses, United States Marshals Service’, ‘Salaries and expenses, Federal Bureau of Investigation’, ‘Salaries and expenses, Drug Enforcement Administration’, ‘Salaries and expenses, Immigration and Naturalization Service’, and ‘Salaries and expenses, Federal Prison System’, shall be available for uniforms and allowances therefor as authorized by law (5 U.S.C. 5901-5902).”

JUSTICE DEPARTMENT ORGANIZED CRIME AND DRUG ENFORCEMENT ENHANCEMENT

Pub. L. 100-690, title I, subtitle B, Nov. 18, 1988, 102 Stat. 4189, provided that:

“SEC. 1051. SHORT TITLE.

“This subtitle may be cited as the ‘Justice Department Organized Crime and Drug Enforcement Enhancement Act of 1988’.

“SEC. 1052. FINDINGS.

“The Congress finds that—

“(1) organized criminal activity contributes significantly to the importation, distribution, and sale of illegal and dangerous drugs;

“(2) trends in drug trafficking patterns necessitate a response that gives appropriate weight to—

“(A) the prosecution of drug-related crimes; and

“(B) the forfeiture and seizure of assets and other civil remedies used to strike at the inherent strength of the drug networks and organized crime groups;

“(3) law enforcement components of the Department of Justice should give high priority to the enforcement of civil sanctions against drug networks and organized crime groups; and

“(4) the structure of the Department of Justice Criminal Division needs to be reviewed in order to determine the most effective structure to address such drug-related problems.

“SEC. 1053. CIVIL ENFORCEMENT REPORT.

“(a) REPORT.—Not later than 1 year after the date of the enactment of this title [Nov. 18, 1988], the Director of National Drug Control Policy (the Director) in consultation with the Attorney General, shall report to the Congress on the necessity to establish a new division or make other organizational changes within the Department of Justice in order to promote better civil and criminal law enforcement. In preparing such report, the Director shall consider restructuring and consolidating one or more of the following divisions and programs—

“(1) the Organized Crime and Racketeering Section of the Criminal Division and all subordinate strike forces therein;

“(2) the Narcotic and Dangerous Drug Section of the Criminal Division;

“(3) the Asset Forfeiture Office of the Criminal Division; and

“(4) the Organized Crime Drug Enforcement Task Force Program;[.]

“(b) LEGISLATIVE RECOMMENDATIONS.—The report submitted under subsection (a) shall include appropriate legislative recommendations for the Congress.

“SEC. 1054. CIVIL ENFORCEMENT ENHANCEMENT.

“(a) DUTY OF ATTORNEY GENERAL.—The Attorney General shall insure that each component of the Department of Justice having criminal law enforcement responsibilities with respect to the prosecution of organized crime and controlled substances violations, including each United States Attorney’s Office, attaches a high priority to the enforcement of civil statutes creating ancillary sanctions and remedies for such violations, such as civil penalties and actions, forfeitures, injunctions and restraining orders, and collection of fines.

“(b) DUTY OF ASSOCIATE ATTORNEY GENERAL.—The Associate Attorney General shall be responsible for implementing the policy set forth in this subsection.

“(c) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated \$3,000,000 for salaries and expenses to the Department of Justice General Legal Activities Account and \$3,000,000 for salaries and expenses for United States Attorneys for fiscal year 1989.

“(2) Any appropriation of funds authorized under paragraph (1) shall be—

“(A) in addition to any appropriations requested by the President in the 1989 fiscal year budget submitted by the President to the Congress on February 18, 1988, or provided in regular appropriations Acts or continuing resolutions for the fiscal year ending September 30, 1989; and

“(B) used to increase the number of field attorneys and related support staff over such personnel levels employed at the Department of Justice on September 30, 1988.

“(3) Any increase in full-time equivalent positions described under paragraph (2)(B) shall be exclusively used for asset forfeiture and civil enforcement and be assigned to appropriate field offices of the Organized Crime and Racketeering Section and the Organized Crime Drug Enforcement Task Forces.

“(d) REPORTING REQUIREMENT.—The Attorney General, at the end of each such fiscal year, shall file a report with the Congress setting forth the extent of such enforcement efforts, as well as the need for any enhancements in resources necessary to carry out this policy.

“SEC. 1055. EXPENSES OF TASK FORCES.

“(a) APPROPRIATIONS AND REIMBURSEMENTS PROCEDURE.—Beginning in fiscal year 1990, the Attorney Gen-

eral in his budget shall submit a separate appropriations request for expenses relating to all Federal agencies participating in the Organized Crime Drug Enforcement Task Forces. Such appropriations shall be made to the Department of Justice’s Interagency Law Enforcement Appropriation Account for the Attorney General to make reimbursements to the involved agencies as necessary.

“(b) ENHANCEMENT OF FIELD ACTIVITIES.—The appropriations and reimbursements procedure described under subsection (a) shall—

“(1) provide for the flexibility of the Task Forces which is vital to success;

“(2) permit Federal law enforcement resources to be shifted in response to changing patterns of organized criminal drug activities;

“(3) permit the Attorney General to reallocate resources among the organizational components of the Task Forces and between regions without undue delay; and

“(4) ensure that the Task Forces function as a unit, without the competition for resources among the participating agencies that would undermine the overall effort.”

IMPACT ANALYSIS OF ADDITIONAL RESOURCES TO CERTAIN COMPONENTS OF FEDERAL CRIMINAL JUSTICE SYSTEM; STUDY BY COMPTROLLER GENERAL AND REPORT TO CONGRESS

Pub. L. 100-690, title IX, §9201, Nov. 18, 1988, 102 Stat. 4535, provided that:

“(a) STUDY.—The Comptroller General of the United States shall conduct a study—

“(1) to determine the impact of additional resources to certain components of the Federal criminal justice system on other components of the system and of enhanced or new Federal criminal penalties or laws on the agencies and offices of the Department of Justice, the Federal courts, and other components of the Federal criminal justice system; and

“(2) use the data derived from the impact analysis to develop a model that can be applied by Congress and Federal agencies and departments to help determine appropriate staff and budget responses in order to maintain balance in the Federal criminal justice system and effectively implement changes in resources, laws, or penalties.

“(b) REPORT TO CONGRESS.—The Comptroller General shall report the results and recommendations derived from the study required by subsection (a) no later than 1 year after the date of enactment of this Act [Nov. 18, 1988].”

FEDERAL ENVIRONMENTAL OR NATURAL RESOURCE LAWS; INVESTIGATIONS RESPECTING, ETC.

Pub. L. 96-132, §12, Nov. 30, 1979, 93 Stat. 1048, provided that: “The Attorney General may, with the concurrence of any agency or Department with primary enforcement responsibility for an environmental or natural resource law, investigate any violation, of an environmental or natural resource law of the United States, and bring such actions as are necessary to enforce such laws. This section does not affect the criminal law enforcement authority of the Attorney General.”

POSITIONS IN DRUG ENFORCEMENT ADMINISTRATION; GRADES EXCEPTED FROM COMPETITIVE SERVICE; VACANCIES; REMOVAL, SUSPENSION, OR REDUCTION IN RANK OR PAY; RATE OF PAY

Pub. L. 94-503, title II, §201, Oct. 15, 1976, 90 Stat. 2425, provided that:

“(a) Effective beginning one year after date of the enactment of this Act [Oct. 15, 1976], the following positions in the Drug Enforcement Administration (and individuals holding such positions) are hereby excepted from the competitive service:

“(1) positions at GS-16, 17, and 18 of the General Schedule under section 5332(a) of title 5, United States Code, and

“(2) positions at GS-15 of the General Schedule which are designated as—

“(A) regional directors,

“(B) office heads, or

“(C) executive assistants (or equivalent positions) under the immediate supervision of the Administrator (or the Deputy Administrator) of the Drug Enforcement Administration.

“(b) Effective during the one year period beginning on the date of the enactment of this Act [Oct. 15, 1976], vacancies in positions in the Drug Enforcement Administration (other than positions described in subsection (a)) at a grade not lower than GS-14 shall be filled—

“(1) first, from applicants who have continuously held positions described in subsection (a) since the date of the enactment of this Act and who have applied for, and are qualified to fill, such vacancies, and

“(2) then, from other applicants in the order which would have occurred in the absence of this subsection.

Any individual placed in a position under paragraph (1) shall be paid in accordance with subsection (d).

“(c)(1) Effective beginning one year after the date of the enactment of this Act [Oct. 15, 1976], an individual in a position described in subsection (a) may be removed, suspended for more than 30 days, furloughed without pay, or reduced in rank or pay by the Administrator of the Drug Enforcement Administration if—

“(A) such individual has been employed in the Drug Enforcement Administration for less than the one-year period immediately preceding the date of such action, and

“(B) the Administrator determines, in his discretion, that such action would promote the efficiency of the service.

“(2) Effective beginning one year after the date of the enactment of this Act [Oct. 15, 1976], an individual in a position described in subsection (a) may be reduced in rank or pay by the Administrator within the Drug Enforcement Administration if—

“(A) such individual has been continuously employed in such position since the date of the enactment of this Act, and

“(B) the Administrator determines, in his discretion, that such action would promote the efficiency of the service.

Any individual reduced in rank or pay under this paragraph shall be paid in accordance with subsection (d).

“(3) The provisions of sections 7512 and 7701 of title 5, United States Code, and otherwise applicable Executive orders, shall not apply with respect to actions taken by the Administrator under paragraph (1) or any reduction in rank or pay (under paragraph (2) or otherwise) of any individual in a position described in subsection (a).

“(d) Any individual whose pay is to be determined in accordance with this subsection shall be paid basic pay at the rate of basic pay he was receiving immediately before he was placed in a position under subsection (b)(1) or reduced in rank or pay under subsection (c)(2), as the case may be, until such time as the rate of basic pay he would receive in the absence of this subsection exceeds such rate of basic pay. The provisions of section 5337 of title 5, United States Code, shall not apply in any case in which this subsection applies.”

[References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.]

REORGANIZATION PLAN NO. 1 OF 1968

Eff. Apr. 8, 1968, 33 F.R. 5611, 82 Stat. 1367, as amended Reorg. Plan No. 2 of 1973, § 3, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, February 7, 1968, pursuant to the provisions of chapter 9 of title 5 of the United States Code.

NARCOTICS; DRUG ABUSE CONTROL

SECTION 1. TRANSFER OF FUNCTIONS FROM TREASURY DEPARTMENT

There are hereby transferred to the Attorney General:

(a) Those functions of the Secretary of the Treasury which are administered through or with respect to the Bureau of Narcotics.

(b) All functions of the Bureau of Narcotics, of the Commissioner of Narcotics, and of all other officers, employees and agencies of the Bureau of Narcotics.

(c) So much of other functions or parts of functions of the Secretary of the Treasury and the Department of the Treasury as is incidental to or necessary for the performance of the functions transferred by paragraphs (a) and (b) of this section.

SEC. 2. TRANSFER OF FUNCTIONS FROM THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

There are hereby transferred to the Attorney General:

(a) The functions of the Secretary of Health, Education, and Welfare under the Drug Abuse Control Amendments of 1965 (Public Law 89-74; 79 Stat. 226) [see Short Title note under 21 U.S.C. 301], except the function of regulating the counterfeiting of those drugs which are not controlled “depressant or stimulant” drugs.

(b) So much of other functions or parts of functions of the Secretary of Health, Education, and Welfare, and of the Department of Health, Education, and Welfare, as is incidental to or necessary for the performance of the functions transferred by paragraph (a) of this section.

SEC. 3. BUREAU OF NARCOTICS AND DANGEROUS DRUGS

(a) [Repealed. Reorg. Plan No. 2 of 1973, § 3, 38 F.R. 15932, 87 Stat. 1091, eff. July 1, 1973. Subsection established the Bureau of Narcotics and Dangerous Drugs in the Department of Justice and provided that it be headed by a Director appointed by the Attorney General.]

(b) There are hereby established in the Department of Justice, in addition to the positions transferred to that Department by this Plan, four new positions, appointment to which shall be made by the Attorney General in the competitive service. Two of those positions shall have compensation at the rate now or hereafter provided for GS-18 positions of the General Schedule and the other two shall have compensation at the rate now or hereafter provided for GS-16 positions of the General Schedule (5 U.S.C. 5332). Each such position shall have such title and duties as the Attorney General shall prescribe.

[References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.]

SEC. 4. ABOLITION

The Bureau of Narcotics in the Department of the Treasury, including the office of Commissioner of Narcotics (21 U.S.C. 161), is hereby abolished. The Secretary of the Treasury shall make such provision as he may deem necessary with respect to terminating those affairs of the Bureau of Narcotics not otherwise provided for in this reorganization plan.

SEC. 5. PERFORMANCE OF TRANSFERRED FUNCTIONS

The Attorney General may from time to time make such provisions as he shall deem appropriate authorizing the performance of any of the functions transferred to him by the provisions of this reorganization plan by any officer, employee, or organizational entity of the Department of Justice.

SEC. 6. INCIDENTAL TRANSFERS

(a) There are hereby transferred to the Department of Justice all of the positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds, available or to be made available, (1) of the Bureau of Narcotics, and (2) of the Bureau of Drug Abuse Control of the Department of Health, Education, and Welfare.

(b) There shall be transferred to the Department of Justice, at such time or times as the Director of the Bureau of the Budget shall direct, so much as the Director shall determine of other positions, personnel, property, records and unexpended balances of appropriations, allocations, and other funds of the Department of the Treasury and of the Department of Health, Education, and Welfare employed, used, held, available or to be made available in connection with functions transferred by the provisions of this reorganization plan.

(c) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided in this section shall be carried out in such manner as he may direct and by such agencies as he shall designate.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

In my first Reorganization Plan of 1968, I call for the creation of a new and powerful Bureau of Narcotics and Dangerous Drugs.

With this action, America will serve notice to the pusher and the peddler that their criminal acts must stop.

No matter how well organized they are, we will be better organized. No matter how well they have concealed their activities, we will root them out.

Today, Federal investigation and enforcement of our narcotics laws are fragmented. One major element—the Bureau of Narcotics—is in the Treasury Department and responsible for the control of marihuana and narcotics such as heroin. Another—the Bureau of Drug Abuse Control—is in the Department of Health, Education, and Welfare, and is responsible for the control of dangerous drugs including depressants, stimulants, and hallucinogens such as LSD.

Neither is located in the agency which is primarily concerned with Federal law enforcement—the Department of Justice.

This separation of responsibilities—despite the relentless and dedicated efforts of the agents of each Bureau—has complicated and hindered our response to a national menace.

For example, more than nine out of ten seizures of LSD made by the Bureau of Drug Abuse Control have also turned up marihuana—but that Bureau has no jurisdiction over marihuana.

In many instances, we are confronted by well organized disciplined and resourceful criminals who reap huge profits at the expense of their unfortunate victims.

The response of the Federal Government must be unified. And it must be total.

Today, in my Message on Crime, I recommended strong new laws to control dangerous drugs. I also recommended an increase of more than thirty percent in the number of Federal agents enforcing the narcotic and dangerous drug laws.

I now propose that a single Bureau of Narcotics and Dangerous Drugs be established in the Department of Justice to administer those laws and to bring to the American people the most efficient and effective Federal enforcement machinery we can devise.

Under this Reorganization Plan the Attorney General will have full authority and responsibility for enforcing the Federal laws relating to narcotics and dangerous drugs. The new Bureau of Narcotics and Dangerous Drugs, to be headed by a Director appointed by the Attorney General, will:

- consolidate the authority and preserve the experience and manpower of the Bureau of Narcotics and the Bureau of Drug Abuse Control.
- work with states and local governments in their crackdown on illegal trade in drugs and narcotics, and help to train local agents and investigators.
- maintain worldwide operations, working closely with other nations, to suppress the trade in illicit narcotics and marihuana.
- conduct an extensive campaign of research and a nationwide public education program on drug abuse and its tragic effects.

The Plan I forward today moves in the direction recommended by two distinguished groups:

- 1949 Hoover Commission.
- the 1963 Presidential Advisory Commission on Narcotic and Drug Abuse.

This Administration and this Congress have the will and the determination to stop the illicit traffic in drugs.

But we need more than the will and the determination. We need a modern and efficient instrument of Government to transform our plans into action. That is what this Reorganization Plan calls for.

The Plan has been prepared in accordance with chapter 9 of title 5 of the United States Code.

I have found, after investigation, that each reorganization included in the plan is necessary to accomplish one or more of the purposes set forth in section 901(a) of title 5 of the United States Code.

I have also found that, by reason of these reorganizations, it is necessary to include in the accompanying plan provisions for the appointment and compensation of the five new positions as specified in section 3 of the plan. The rates of compensation fixed for these new positions are those which I have found to prevail in respect of comparable positions in the Executive Branch of the Government.

Should the reorganization I propose take effect, they will make possible more effective and efficient administration of Federal law enforcement functions. It is not practicable at this time, however, to itemize the reduction in expenditures which may result.

I recommend that the Congress allow this urgently needed and important Reorganization Plan to become effective.

LYNDON B. JOHNSON.

THE WHITE HOUSE, February 7, 1968

REORGANIZATION PLAN NO. 2 OF 1973

Effective July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, as amended Pub. L. 93-253, §1, Mar. 16, 1974, 88 Stat. 50 Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 28, 1973, pursuant to the provisions of Chapter 9 of Title 5 of the United States Code.

LAW ENFORCEMENT IN ILLICIT DRUG ACTIVITIES

SECTION 1. TRANSFERS TO THE ATTORNEY GENERAL

There are hereby transferred from the Secretary of the Treasury, the Department of the Treasury, and any other officer or any agency of the Department of the Treasury, to the Attorney General all intelligence, investigative, and law enforcement functions, vested by law in the Secretary, the Department, officers, or agencies which relate to the suppression of illicit traffic in narcotics, dangerous drugs, or marihuana, except that the Secretary shall retain, and continue to perform, those functions, to the extent that they relate to searches and seizures of illicit narcotics, dangerous drugs, or marihuana or to the apprehension or detention of persons in connection therewith, at regular inspection locations at ports of entry or anywhere along the land or water borders of the United States: *Provided*, that any illicit narcotics, dangerous drugs, marihuana, or related evidence seized, and any person apprehended or detained by the Secretary or any officer

of the Department of the Treasury, pursuant to the authority retained in them by virtue of this section, shall be turned over forthwith to the jurisdiction of the Attorney General: *Provided further*, that nothing in this section shall be construed as limiting in any way any authority vested by law in the Secretary of the Treasury, the Department of the Treasury, or any other officer or any agency of that Department on the effective date of this Plan with respect to contraband other than illicit narcotics, dangerous drugs, and marihuana: and *Provided further*, that nothing in this section shall be construed as limiting in any way any authority the Attorney General, the Department of Justice, or any other officer or any agency of that Department may otherwise have to make investigations or engage in law enforcement activities, including activities relating to the suppression of illicit traffic in narcotics, dangerous drugs, and marihuana, at ports of entry or along the land and water borders of the United States.

SEC. 2. TRANSFERS TO THE SECRETARY OF THE TREASURY

[Repealed. Pub. L. 93-253, §1(a)(1), (b), Mar. 16, 1974, 88 Stat. 50, eff. July 1, 1973. Section provided for transfer to Secretary of the Treasury of functions vested in Attorney General, Department of Justice, or any other officer of such Department respecting inspection at ports of entry of persons, and documents of persons, entering or leaving the United States.]

SEC. 3. ABOLITION

The Bureau of Narcotics and Dangerous Drugs, including the Office of Director thereof, is hereby abolished, and section 3(a) of Reorganization Plan No. 1 of 1968 is hereby repealed. The Attorney General shall make such provision as he may deem necessary with respect to terminating those affairs of the Bureau of Narcotics and Dangerous Drugs not otherwise provided for in this Reorganization Plan.

SEC. 4. DRUG ENFORCEMENT ADMINISTRATION

There is established in the Department of Justice an agency which shall be known as the Drug Enforcement Administration, hereinafter referred to as "the Administration."

SEC. 5. OFFICERS OF THE ADMINISTRATION

(a) There shall be at the head of the Administration the Administrator of Drug Enforcement, hereinafter referred to as "the Administrator." The Administrator shall be appointed by the President by and with the advice and consent of the Senate, and shall receive compensation at the rate now or hereafter prescribed by law for positions of level III of the Executive Schedule Pay Rates (5 U.S.C. 5314). He shall perform such functions as the Attorney General shall from time to time direct.

(b) There shall be in the Administration a Deputy Administrator of the Drug Enforcement Administration, hereinafter referred to as "the Deputy Administrator," who shall be appointed by the President by and with the advice and consent of the Senate, shall perform such functions as the Attorney General may from time to time direct, and shall receive compensation at the rate now or hereafter prescribed by law for positions of level V of the Executive Schedule Pay Rates (5 U.S.C. 5316).

(c) The Deputy Administrator or such other official of the Department of Justice as the Attorney General shall from time to time designate shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

SEC. 6. PERFORMANCE OF TRANSFERRED FUNCTIONS

The Attorney General may from time to time make such provisions as he shall deem appropriate authorizing the performance of any of the functions transferred to him by the provisions of this Reorganization Plan by

any officer, employee, or agency of the Department of Justice.

[Section, former subsec. (a) designation, and subsec. (b) providing for performance of functions transferred to Secretary of Treasury by any officer, employee, or agency of Treasury Department, repealed by Pub. L. 93-253, §1(a)(2), (b), Mar. 16, 1974, 88 Stat. 50, eff. July 1, 1973.]

SEC. 7. COORDINATION

The Attorney General, acting through the Administrator and such other officials of the Department of Justice as he may designate, shall provide for the coordination of all drug law enforcement functions vested in the Attorney General so as to assure maximum cooperation between and among the Administration, the Federal Bureau of Investigation, and other units of the Department involved in the performance of these and related functions.

SEC. 8. INCIDENTAL TRANSFERS

(a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available or to be made available in connection with the functions transferred to the Attorney General and to the Secretary of the Treasury by this Reorganization Plan as the Director of the Office of Management and Budget shall determine shall be transferred to the Department of Justice and to the Department of the Treasury, respectively, at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such Federal agencies as he shall designate.

SEC. 9. INTERIM OFFICERS

(a) The President may authorize any person who, immediately prior to the effective date of this Reorganization Plan, held a position in the Executive Branch of the Government to act as Administrator until the office of Administrator is for the first time filled pursuant to the provisions of this Reorganization Plan or by recess appointment as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Administrator.

(c) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect to which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

SEC. 10. EFFECTIVE DATE

The provisions of this Reorganization Plan shall take effect as provided by section 906(a) of title 5 of the United States Code or on July 1, 1973, whichever is later.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

Drug abuse is one of the most vicious and corrosive forces attacking the foundations of American society today. It is a major cause of crime and a merciless destroyer of human lives. We must fight it with all of the resources at our command.

This Administration has declared all-out, global war on the drug menace. As I reported to the Congress earlier this month in my State of the Union message, there is evidence of significant progress on a number of fronts in that war.

Both the rate of new addiction to heroin and the number of narcotic-related deaths showed an encouraging downturn last year. More drug addicts and abusers

are in treatment and rehabilitation programs than ever before.

Progress in pinching off the supply of illicit drugs was evident in last year's stepped-up volume of drug seizures worldwide—which more than doubled in 1972 over the 1971 level.

Arrests of traffickers have risen by more than one-third since 1971. Prompt Congressional action on my proposal for mandatory minimum sentences for pushers of hard drugs will help ensure that convictions stemming from such arrests lead to actual imprisonment of the guilty.

Notwithstanding these gains, much more must be done. The resilience of the international drug trade remains grimly impressive—current estimates suggest that we still intercept only a small fraction of all the heroin and cocaine entering this country. Local police still find that more than one of every three suspects arrested for street crimes is a narcotic abuser or addict. And the total number of Americans addicted to narcotics, suffering terribly themselves and inflicting their suffering in countless others, still stands in the hundreds of thousands.

A UNIFIED COMMAND FOR DRUG ENFORCEMENT

Seeking ways to intensify our counter-offensive against this menace, I am asking the Congress today to join with this Administration in strengthening and streamlining the Federal drug law enforcement effort.

Funding for this effort has increased sevenfold during the past five years, from \$36 million in fiscal year 1969 to \$257 million in fiscal year 1974—more money is not the most pressing enforcement need at present. Nor is there a primary need for more manpower working on the problem, over 2100 new agents having already been added to the Federal drug enforcement agencies under this Administration, an increase of more than 250 percent over the 1969 level.

The enforcement work could benefit significantly, however, from consolidation of our anti-drug forces under a single unified command. Right now the Federal Government is fighting the war on drug abuse under a distinct handicap, for its efforts are those of a loosely confederated alliance facing a resourceful, elusive, worldwide enemy. Admiral Mahan, the master naval strategist, described this handicap precisely when he wrote that "Granting the same aggregate of force, it is never as great in two hands as in one, because it is not perfectly concentrated."

More specifically, the drug law enforcement activities of the United States now are not merely in two hands but in half a dozen. Within the Department of Justice, with no overall direction below the level of the Attorney General, these fragmented forces include the Bureau of Narcotics and Dangerous Drugs, the Office for Drug Abuse Law Enforcement, the Office of National Narcotics Intelligence, and certain activities of the Law Enforcement Assistance Administration. The Treasury Department is also heavily engaged in enforcement work through the Bureau of Customs.

This aggregation of Federal activities has grown up rapidly over the past few years in response to the urgent need for stronger anti-drug measures. It has enabled us to make a very encouraging beginning in the accelerated drug enforcement drive of this Administration.

But it also has serious operational and organizational shortcomings. Certainly the cold-blooded underworld networks that funnel narcotics from suppliers all over the world into the veins of American drug victims are no respecters of the bureaucratic dividing lines that now complicate our anti-drug efforts. On the contrary, these modern-day slave traders can derive only advantage from the limitations of the existing organizational patchwork. Experience has now given us a good basis for correcting those limitations, and it is time to do so.

I therefore propose creation of a single, comprehensive Federal agency within the Department of Justice to lead the war against illicit drug traffic.

Reorganization Plan No. 2 of 1973, which I am transmitting to the Congress with this message, would es-

tablish such an agency, to be called the Drug Enforcement Administration. It would be headed by an Administrator reporting directly to the Attorney General.

The Drug Enforcement Administration would carry out the following anti-drug functions, and would absorb the associated manpower and budgets:

- All functions of the Bureau of Narcotics and Dangerous Drugs (which would be abolished as a separate entity by the reorganization plan);
- Those functions of the Bureau of Customs pertaining to drug investigations and intelligence (to be transferred from the Treasury Department to the Attorney General by the reorganization plan).
- All functions of the Office of Drug Abuse Law Enforcement; and
- All functions of the Office of National Narcotics Intelligence.

Merger of the latter two organizations into the new agency would be effected by an executive order dissolving them and transferring their functions, to take effect upon approval of Reorganization Plan No. 2 by the Congress. Drug law enforcement research currently funded by the Law Enforcement Assistance Administration and other agencies would also be transferred to the new agency by executive action.

The major responsibility of the Drug Enforcement Administration would thus include:

- development of overall Federal drug law enforcement strategy, programs, planning, and evaluation;
- full investigation and preparation for prosecution of suspects for violations under all Federal drug trafficking laws;
- full investigation and preparation for prosecution of suspects connected with illicit drugs seized at U.S. ports-of-entry and international borders;
- conduct of all relations with drug law enforcement officials of foreign governments, under the policy guidance of the Cabinet Committee on International Narcotics Control;
- full coordination and cooperation with State and local law enforcement officials on joint drug enforcement efforts; and
- regulation of the legal manufacture of drugs and other controlled substances under Federal regulations.

The Attorney General, working closely with the Administrator of this new agency, would have authority to make needed program adjustments. He would take steps within the Department of Justice to ensure that high priority emphasis is placed on the prosecution and sentencing of drug traffickers following their apprehension by the enforcement organization. He would also have the authority and responsibility for securing the fullest possible cooperation—particularly with respect to collection of drug intelligence—from all Federal departments and agencies which can contribute to the anti-drug work, including the Internal Revenue Service and the Federal Bureau of Investigation.

My proposals would make possible a more effective antidrug role for the FBI, especially in dealing with the relationship between drug trafficking and organized crime. I intend to see that the resources of the FBI are fully committed to assist in supporting the new Drug Enforcement Administration.

The consolidation effected under Reorganization Plan No. 2 would reinforce the basic law enforcement and criminal justice mission of the Department of Justice. With worldwide drug law enforcement responsibilities no longer divided among several organizations in two different Cabinet departments, more complete and cumulative drug law enforcement intelligence could be compiled. Patterns of international and domestic illicit drug production, distribution, and sale could be more directly compared and interpreted. Case-by-case drug law enforcement activities could be more comprehensively linked, cross-referenced, and coordinated into a single, organic enforcement operation. In short, drug law enforcement officers would be able to spend more time going after the traffickers and less time coordinating with one another.

Such progress could be especially helpful on the international front. Narcotics control action plans, developed under the leadership of the Cabinet Committee on International Narcotics Control, are now being carried out by U.S. officials in cooperation with host governments in 59 countries around the world. This wide-ranging effort to cut off drug supplies before they ever reach U.S. borders or streets is just now beginning to bear fruit. We can enhance its effectiveness, with little disruption of ongoing enforcement activities, by merging both the highly effective narcotics force of overseas Customs agents and the rapidly developing international activities of the Bureau of Narcotics and Dangerous Drugs into the Drug Enforcement Administration. The new agency would work closely with the Cabinet Committee under the active leadership of the U.S. Ambassador in each country where anti-drug programs are underway.

Two years ago, when I established the Special Action Office for Drug Abuse Prevention within the Executive Office of the President, we gained an organization with the necessary resources, breadth, and leadership capacity to begin dealing decisively with the "demand" side of the drug abuse problem—treatment and rehabilitation for those who have been drug victims, and preventive programs for potential drug abusers. This year, by permitting my reorganization proposals to take effect, the Congress can help provide a similar capability on the "supply" side. The proposed Drug Enforcement Administration, working as a team with the Special Action Office, would arm Americans with a potent one-two punch to help us fight back against the deadly menace of drug abuse. I ask full Congressional cooperation in its establishment.

IMPROVING PORT-OF-ENTRY INSPECTIONS

No heroin or cocaine is produced within the United States; domestic availability of these substances results solely from their illegal importation. The careful and complete inspection of all persons and goods coming into the United States is therefore an integral part of effective Federal drug law enforcement.

At the present time, however, Federal responsibility for conducting port-of-entry inspections is awkwardly divided among several Cabinet departments. The principal agencies involved are the Treasury Department's Bureau of Customs, which inspects goods, and the Justice Department's Immigration and Naturalization Service, which inspects persons and their papers. The two utilize separate inspection procedures, hold differing views of inspection priorities, and employ dissimilar personnel management practices.

To reduce the possibility that illicit drugs will escape detection at ports-of-entry because of divided responsibility, and to enhance the effectiveness of the Drug Enforcement Administration, the reorganization plan which I am proposing today would transfer to the Secretary of the Treasury all functions currently vested in Justice Department officials to inspect persons, or the documents of persons.

When the plan takes effect, it is my intention to direct the Secretary of the Treasury to use the resources so transferred—including some 1,000 employees of the Immigration and Naturalization Service—to augment the staff and budget of the Bureau of Customs. The Bureau's primary responsibilities would then include:

- inspection of all persons and goods entering the United States;
- valuation of goods being imported, and assessment of appropriate tariff duties;
- interception of contraband being smuggled into the United States;
- enforcement of U.S. laws governing the international movement of goods, except the investigation of contraband drugs and narcotics; and
- turning over the investigation responsibility for all drug law enforcement cases to the Department of Justice.

The reorganization would thus group most port-of-entry inspection functions in a single Cabinet depart-

ment. It would reduce the need for much day-to-day interdepartmental coordination, allow more efficient staffing at some field locations, and remove the basis for damaging interagency rivalries. It would also give the Secretary of the Treasury the authority and flexibility to meet changing requirements in inspecting the international flow of people and goods. An important by-product of the change would be more convenient service for travellers entering and leaving the country.

For these reasons, I am convinced that inspection activities at U.S. ports-of-entry can more effectively support our drug law enforcement efforts if concentrated in a single agency. The processing of persons at ports-of-entry is too closely interrelated with the inspection of goods to remain organizationally separated from it any longer. Both types of inspections have numerous objectives besides drug law enforcement, so it is logical to vest them in the Treasury Department, which has long had the principal responsibility for port-of-entry inspection of goods, including goods being transported in connection with persons. As long as the inspections are conducted with full awareness of related drug concerns it is neither necessary nor desirable that they be made a responsibility of the primary drug enforcement organization.

DECLARATIONS

After investigation, I have found that each action included in Reorganization Plan No. 2 of 1973 is necessary to accomplish one or more of the purposes set forth in Section 901(a) of Title 5 of the United States Code. In particular, the plan is responsive of the intention of the Congress as expressed in Section 901(a)(1): "to promote better execution of the laws, more effective management of the executive branch and of its agencies and functions, and expeditious administration of the public business;" Section 901(a)(3): "to increase the efficiency of the operations of the Government to the fullest extent practicable;" Section 901(a)(5) "to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions as may not be necessary for the efficient conduct of the Government;" and Section 901(a)(6): "to eliminate overlapping and duplication of effort."

As required by law, the plan has one logically consistent subject matter: consolidation of Federal drug law enforcement activities in a manner designed to increase their effectiveness.

The plan would establish in the Department of Justice a new Administration designated as the Drug Enforcement Administration. The reorganizations provided for in the plan make necessary the appointment and compensation of new officers as specified in Section 5 of the plan. The rates of compensation fixed for these officers would be comparable to those fixed for officers in the executive branch who have similar responsibilities.

While it is not practicable to specify all of the expenditure reductions and other economies which may result from the actions proposed, some savings may be anticipated in administrative costs now associated with the functions being transferred and consolidated.

The proposed reorganization is a necessary step in upgrading the effectiveness of our Nation's drug law enforcement effort. Both of the proposed changes would build on the strengths of established agencies, yielding maximum gains in the battle against drug abuse with minimum loss of time and momentum in the transition.

I am confident that this reorganization plan would significantly increase the overall efficiency and effectiveness of the Federal Government. I urge the Congress to allow it to become effective.

RICHARD NIXON.

THE WHITE HOUSE, March 28, 1973

EX. ORD. NO. 12146. MANAGEMENT OF FEDERAL LEGAL RESOURCES

Ex. Ord. No. 12146, July 18, 1979, 44 F.R. 42657, as amended by Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617, provided:

By the authority vested in me as President by the Constitution and statutes of the United States of America, it is hereby ordered as follows:

1-1. ESTABLISHMENT OF THE FEDERAL LEGAL COUNCIL

1-101. There is hereby established the Federal Legal Council, which shall be composed of the Attorney General and the representatives of not more than 15 other agencies. The agency representative shall be designated by the head of the agency.

1-102. The initial membership of the Council, in addition to the Attorney General, shall consist of representatives designated by the heads of the following agencies:

- (a) The Department of Commerce.
- (b) The Department of Defense.
- (c) The Department of Energy.
- (d) The Environmental Protection Agency.
- (e) The Equal Employment Opportunity Commission.
- (f) The Federal Trade Commission.
- (g) The Department of Health and Human Services.
- (h) The Interstate Commerce Commission.
- (i) The Department of Labor.
- (j) The National Labor Relations Board.
- (k) The Securities and Exchange Commission.
- (l) The Department of State.
- (m) The Department of the Treasury.
- (n) The United States Postal Service and
- (o) the Veterans Administration.

1-103. The initial members of the Council shall serve for a term of two years. Thereafter, the agencies which compose the membership shall be designated annually by the Council and at least five positions on the Council, other than that held by the Attorney General, shall rotate annually.

1-104. In addition to the above members, the Directors of the Office of Management and Budget and the Office of Personnel Management, or their designees, shall be advisory members of the Council.

1-105. The Attorney General shall chair the Council and provide staff for its operation. Representatives of agencies that are not members of the Council may serve on or chair subcommittees of the Council.

1-2. FUNCTIONS OF THE COUNCIL

1-201. The Council shall promote:

- (a) coordination and communication among Federal legal offices;
- (b) improved management of Federal lawyers, associated support personnel, and information systems;
- (c) improvements in the training provided to Federal lawyers;
- (d) the facilitation of the personal donation of pro bono legal services by Federal attorneys;
- (e) the use of joint or shared legal facilities in field offices; and
- (f) the delegation of legal work to field offices.

1-202. The Council shall study and seek to resolve problems in the efficient and effective management of Federal legal resources that are beyond the capacity or authority of individual agencies to resolve.

1-203. The Council shall develop recommendations for legislation and other actions: (a) to increase the efficient and effective operation and management of Federal legal resources, including those matters specified in Section 1-201, and (b) to avoid inconsistent or unnecessary litigation by agencies.

1-3. LITIGATION NOTICE SYSTEM

1-301. The Attorney General shall establish and maintain a litigation notice system that provides timely information about all civil litigation pending in the courts in which the Federal Government is a party or has a significant interest.

1-302. The Attorney General shall issue rules to govern operation of the notice system. The rules shall include the following requirement:

(a) All agencies with authority to litigate cases in court shall promptly notify the Attorney General about those cases that fall in classes or categories designated from time to time by the Attorney General.

(b) The Attorney General shall provide all agencies reasonable access to the information collected in the litigation notice system.

1-4. RESOLUTION OF INTERAGENCY LEGAL DISPUTES

1-401. Whenever two or more Executive agencies are unable to resolve a legal dispute between them, including the question of which has jurisdiction to administer a particular program or to regulate a particular activity, each agency is encouraged to submit the dispute to the Attorney General.

1-402. Whenever two or more Executive agencies whose heads serve at the pleasure of the President are unable to resolve such a legal dispute, the agencies shall submit the dispute to the Attorney General prior to proceeding in any court, except where there is specific statutory vesting of responsibility for a resolution elsewhere.

1-5. ACCESS TO LEGAL OPINIONS

1-501. In addition to the disclosure now required by law, all agencies are encouraged to make available for public inspection and copying other opinions of their legal officers that are statements of policy or interpretation that have been adopted by the agency, unless the agency determines that disclosure would result in demonstrable harm.

1-502. All agencies are encouraged to make available on request other legal opinions, when the agency determines that disclosure would not be harmful.

1-6. AUTOMATED LEGAL RESEARCH AND INFORMATION SYSTEMS

1-601. The Attorney General, in coordination with the Secretary of Defense and other agency heads, shall provide for a computerized legal research system that will be available to all Federal law offices on a reimbursable basis. The system may include in its data base such Federal regulations, case briefs, and legal opinions, as the Attorney General deems appropriate.

1-602. The Federal Legal Council shall provide leadership for all Federal legal offices in establishing appropriate word processing and management information systems.

1-7. RESPONSIBILITIES OF THE AGENCIES

1-701. Each agency shall (a) review the management and operation of its legal activities and report in one year to the Federal Legal Council all steps being taken to improve those operations, and (b) cooperate with the Federal Legal Council and the Attorney General in the performance of the functions provided by this Order.

1-702. To the extent permitted by law, each agency shall furnish the Federal Legal Council and the Attorney General with reports, information and assistance as requested to carry out the provisions of this Order.

CROSS REFERENCES

Bureau of Justice Assistance within Department of Justice, see section 3741 et seq. of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 20 section 1082; title 42 section 12651d.

§ 510. Delegation of authority

The Attorney General may from time to time make such provisions as he considers appropriate authorizing the performance by any other

officer, employee, or agency of the Department of Justice of any function of the Attorney General.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 612.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	[Uncodified].	1950 Reorg. Plan No. 2, §2, eff. May 24, 1950, 64 Stat. 1261.

The words “including any function transferred to the Attorney General by the provisions of this reorganization plan” are omitted as executed and unnecessary as the words “any function of the Attorney General” include the functions transferred to the Attorney General by 1950 Reorg. Plan. No. 2.

PRIOR PROVISIONS

A prior section 510, act June 25, 1948, ch. 646, 62 Stat. 910, related to clerical assistants and messengers for United States attorneys, prior to repeal by Pub. L. 89-554, §8(a), and reenactment in section 550 of this title by section 4(c) of Pub. L. 89-554.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 section 6103; title 31 section 3733.

§ 511. Attorney General to advise the President

The Attorney General shall give his advice and opinion on questions of law when required by the President.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 612.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 303.	R.S. §354. Feb. 27, 1877, ch. 69, §1 (8th full par. on p. 241), 19 Stat. 241.

§ 512. Attorney General to advise heads of executive departments

The head of an executive department may require the opinion of the Attorney General on questions of law arising in the administration of his department.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 613.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 304.	R.S. §356.

§ 513. Attorney General to advise Secretaries of military departments

When a question of law arises in the administration of the Department of the Army, the Department of the Navy, or the Department of the Air Force, the cognizance of which is not given by statute to some other officer from whom the Secretary of the military department concerned may require advice, the Secretary of the military department shall send it to the Attorney General for disposition.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 613.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 307.	R.S. §357.

The Department of War was designated the Department of the Army by the Act of July 26, 1947, ch. 343, §205, 61 Stat. 501. “Department of the Air Force” is added on authority of the Act of July 26, 1947, ch. 343, §207(a), (f), 61 Stat. 502. The word “Secretary” is substituted for “head.” The words “military department” are substituted for “department” to conform to section 102 of title 5, United States Code, and section 101 of title 10, United States Code. The words “for disposition” are substituted for “to be by him referred to the proper officer in his department, or otherwise disposed of as he may deem proper.”

§ 514. Legal services on pending claims in departments and agencies

When the head of an executive department or agency is of the opinion that the interests of the United States require the service of counsel on the examination of any witness concerning any claim, or on the legal investigation of any claim, pending in the department or agency, he shall notify the Attorney General, giving all facts necessary to enable him to furnish proper professional service in attending the examination or making the investigation, and the Attorney General shall provide for the service.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 613.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 48.	R.S. §187.
.....	5 U.S.C. 313.	R.S. §364.

Sections 187 and 364 of the Revised Statutes are combined into one section since they both deal with the same subject matter and are derived from the Act of Feb. 14, 1871, ch. 51, §3, 16 Stat. 412.

The words “executive department” are substituted for “Department” because “Department”, as used in R.S. §§187 and 364, meant “executive department”. (See R.S. §159.) The word “agency” is substituted for “bureau” as it has a more common current acceptance. The word “concerning” is substituted for “touching”. Reference to application for a subpoena is omitted as R.S. §364 gives the department head the same authority to request aid from the Attorney General whether or not application has been made for a subpoena.

Section 187 of the Revised Statutes was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, §201(d), as added Aug. 10, 1949, ch. 412, §4, 63 Stat. 579 (former 5 U.S.C. 171-1), which provides “Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense” is omitted from this title but is not repealed.

Minor changes are made in phraseology to allow for the combining of the two sections.

§ 515. Authority for legal proceedings; commission, oath, and salary for special attorneys

(a) The Attorney General or any other officer of the Department of Justice, or any attorney specially appointed by the Attorney General

under law, may, when specifically directed by the Attorney General, conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings and proceedings before committing magistrates, which United States attorneys are authorized by law to conduct, whether or not he is a resident of the district in which the proceeding is brought.

(b) Each attorney specially retained under authority of the Department of Justice shall be commissioned as special assistant to the Attorney General or special attorney, and shall take the oath required by law. Foreign counsel employed in special cases are not required to take the oath. The Attorney General shall fix the annual salary of a special assistant or special attorney at not more than \$12,000.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 613.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a)	5 U.S.C. 310.	June 30, 1906, ch. 3935, §4 Stat. 816.
(b)	5 U.S.C. 315.	R.S. §366. Apr. 17, 1930, ch. 174, §46 Stat. 170. June 25, 1948, ch. 646, §3, 62 Stat. 985.
.....	[Uncodified].	Aug. 5, 1953, ch. 328, §202 (1st and 2d provisos, as applicable to special assistants and special attorneys), 67 Stat. 375.
.....	[Uncodified].	July 2, 1954, ch. 456, §202 (as applicable to special assistants and special attorneys), 68 Stat. 421.

In subsection (a), the words “or counselor” are omitted as redundant. The words “United States attorneys” are substituted for “district attorneys” on authority of the Act of June 25, 1948, ch. 646, §1, 62 Stat. 909. The words “any provision of” are omitted as unnecessary.

CHANGE OF NAME

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of this title.

§ 516. Conduct of litigation reserved to Department of Justice

Except as otherwise authorized by law, the conduct of litigation in which the United States, an agency, or officer thereof is a party, or is interested, and securing evidence therefor, is reserved to officers of the Department of Justice, under the direction of the Attorney General.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 613.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 306.	R.S. §361. Sept. 3, 1954, ch. 1263, §11, 68 Stat. 1229.

The section is revised to express the effect of the law. As agency heads have long employed, with the approval of Congress, attorneys to advise them in the conduct of their official duties, the first 56 words of R.S. §361 and of former section 306 of title 5 are omitted as obsolete.

The section concentrates the authority for the conduct of litigation in the Department of Justice. The

words “Except as otherwise authorized by law,” are added to provide for existing and future exceptions (e.g., section 1037 of title 10). The words “an agency” are added for clarity and to align this section with section 519 which is of similar import. The words “as such officer” are omitted as unnecessary since it is implied that the officer is a party in his official capacity as an officer.

So much as prohibits the employment of counsel, other than in the Department of Justice, to conduct litigation is omitted as covered by R.S. §365, which is codified in section 3106 of title 5, United States Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 7 section 7516; title 12 section 4243; title 19 section 2350; title 31 section 3718; title 38 sections 3730, 5316; title 42 section 1785.

§ 517. Interests of United States in pending suits

The Solicitor General, or any officer of the Department of Justice, may be sent by the Attorney General to any State or district in the United States to attend to the interests of the United States in a suit pending in a court of the United States, or in a court of a State, or to attend to any other interest of the United States.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 613.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 316.	R.S. §367.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 7 section 943; title 19 section 1920; title 20 section 1082; title 42 sections 292j, 12651d.

§ 518. Conduct and argument of cases

(a) Except when the Attorney General in a particular case directs otherwise, the Attorney General and the Solicitor General shall conduct and argue suits and appeals in the Supreme Court and suits in the United States Court of Federal Claims or in the United States Court of Appeals for the Federal Circuit and in the Court of International Trade in which the United States is interested.

(b) When the Attorney General considers it in the interests of the United States, he may personally conduct and argue any case in a court of the United States in which the United States is interested, or he may direct the Solicitor General or any officer of the Department of Justice to do so.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 613; amended Pub. L. 96-417, title V, §503, Oct. 10, 1980, 94 Stat. 1743; Pub. L. 97-164, title I, §117, Apr. 2, 1982, 96 Stat. 32; Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 309.	R.S. §359.

The words “and writs of error” are omitted on authority of the Act of Jan. 31, 1928, ch. 14, §1, 45 Stat. 54. The word “considers” is substituted for “deems”.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

1982—Subsec. (a). Pub. L. 97-164 substituted “United States Claims Court or in the United States Court of Appeals for the Federal Circuit” for “Court of Claims”.

1980—Subsec. (a). Pub. L. 96-417 required the Attorney General and the Solicitor General to conduct and argue suits in the Court of International Trade.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-417 effective Nov. 1, 1980, and applicable with respect to civil actions pending on or commenced on or after such date, see section 701(a) of Pub. L. 96-417, set out as a note under section 251 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 sections 1204, 7105, 8477; title 12 sections 2244, 4243; title 29 sections 663, 792, 1132, 1852; title 30 section 822; title 31 section 3718; title 42 sections 300aa-12, 7171.

§ 519. Supervision of litigation

Except as otherwise authorized by law, the Attorney General shall supervise all litigation to which the United States, an agency, or officer thereof is a party, and shall direct all United States attorneys, assistant United States attorneys, and special attorneys appointed under section 543 of this title in the discharge of their respective duties.

(Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 614.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	28 U.S.C. 507(b).	[None].

The words “Except as otherwise authorized by law,” are added to provide for existing and future exceptions (e.g., section 1037 of title 10).

The words “or officer” are added for clarity and to align this section with section 516 which is of similar import.

The words “special attorneys appointed under section 543” are substituted for “attorneys appointed under section 543” to reflect the revision of this title.

CASE MANAGEMENT INFORMATION AND TRACKING SYSTEMS FOR FEDERAL JUDICIAL DISTRICTS AND DIVISIONS OF DEPARTMENT; PREPARATION, SUBMISSION, ETC., OF PLAN

Pub. L. 96-132, § 11, Nov. 30, 1979, 93 Stat. 1047, required the Attorney General, not later than Apr. 15, 1980, after consultation with the Director of the Executive Office of United States Attorneys and such Assistant Attorneys as appropriate, to prepare and submit to the Committees on the Judiciary of the Senate and the House of Representatives a plan for the activation and coordination, within the Department of Justice, of compatible, comprehensive case management information and tracking systems for each of the judicial districts of

the United States and for each of the divisions of the Department.

REPORT TO CONGRESS REGARDING PROVISIONS OF LAW CONSIDERED UNCONSTITUTIONAL BY THE DEPARTMENT OF JUSTICE; DECLARATION OF SUCH POSITION

Pub. L. 96-132, § 21, Nov. 30, 1979, 93 Stat. 1049, required the Attorney General, during the fiscal year ending Sept. 30, 1980, to transmit a report to each House of Congress in any case in which the Attorney General considered the provisions of law enacted by the Congress and at issue to be unconstitutional and in such cases required a representative of the Department of Justice participating in such case to make a declaration that such opinion of the Attorney General regarding the constitutionality of those provisions of law involved constitutes the opinion of the executive branch of the government with respect to such matter.

Similar provisions were contained in Pub. L. 95-624, § 13, Nov. 9, 1978, 92 Stat. 3464.

STUDY AND REPORT TO CONGRESS ON EXTENT TO WHICH VIOLATIONS OF FEDERAL CRIMINAL LAWS ARE NOT PROSECUTED

Pub. L. 95-624, § 17, Nov. 9, 1978, 92 Stat. 3465, provided that the Attorney General undertake a study and make recommendations concerning violations of Federal criminal laws which have not been prosecuted and present such study and recommendations to the Committee on the Judiciary of the Senate and the House of Representatives not later than Oct. 1, 1979.

EXECUTIVE ORDER NO. 12778

Ex. Ord. No. 12778, Oct. 23, 1991, 56 F.R. 55195, which prescribed guidelines for promotion of just and efficient Government civil litigation and set forth principles for enactment of legislation and promulgation of regulations which did not unduly burden the Federal court system and for promotion of just and efficient administrative adjudications, was revoked by Ex. Ord. No. 12988, § 12, Feb. 5, 1996, 61 F.R. 4734, set out below.

EX. ORD. NO. 12988. CIVIL JUSTICE REFORM

Ex. Ord. No. 12988, Feb. 5, 1996, 61 F.R. 4729, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and in order to improve access to justice for all persons who wish to avail themselves of court and administrative adjudicatory tribunals to resolve disputes, to facilitate the just and efficient resolution of civil claims involving the United States Government, to encourage the filing of only meritorious civil claims, to improve legislative and regulatory drafting to reduce needless litigation, to promote fair and prompt adjudication before administrative tribunals, and to provide a model for similar reforms of litigation practices in the private sector and in various states, it is hereby ordered as follows:

SECTION 1. *Guidelines to Promote Just and Efficient Government Civil Litigation.* To promote the just and efficient resolution of civil claims, those Federal agencies and litigation counsel that conduct or otherwise participate in civil litigation on behalf of the United States Government in Federal court shall respect and adhere to the following guidelines during the conduct of such litigation:

(a) *Pre-filing Notice of a Complaint.* No litigation counsel shall file a complaint initiating civil litigation without first making a reasonable effort to notify all disputants about the nature of the dispute and to attempt to achieve a settlement, or confirming that the referring agency that previously handled the dispute has made a reasonable effort to notify the disputants and to achieve a settlement or has used its conciliation processes.

(b) *Settlement Conferences.* As soon as practicable after ascertaining the nature of a dispute in litigation, and throughout the litigation, litigation counsel shall

evaluate settlement possibilities and make reasonable efforts to settle the litigation. Such efforts shall include offering to participate in a settlement conference or moving the court for a conference pursuant to Rule 16 of the Federal Rules of Civil Procedure [28 App. U.S.C.] in an attempt to resolve the dispute without additional civil litigation.

(c) *Alternative Methods of Resolving the Dispute in Litigation.* Litigation counsel shall make reasonable attempts to resolve a dispute expeditiously and properly before proceeding to trial.

(1) Whenever feasible, claims should be resolved through informal discussions, negotiations, and settlements rather than through utilization of any formal court proceeding. Where the benefits of Alternative Dispute Resolution (“ADR”) may be derived, and after consultation with the agency referring the matter, litigation counsel should suggest the use of an appropriate ADR technique to the parties.

(2) It is appropriate to use ADR techniques or processes to resolve claims of or against the United States or its agencies, after litigation counsel determines that the use of a particular technique is warranted in the context of a particular claim or claims, and that such use will materially contribute to the prompt, fair, and efficient resolution of the claims.

(3) To facilitate broader and effective use of informal and formal ADR methods, litigation counsel should be trained in ADR techniques.

(d) *Discovery.* To the extent practical, litigation counsel shall make every reasonable effort to streamline and expedite discovery in cases under counsel’s supervision and control.

(1) *Review of Proposed Document Requests.* Each agency within the executive branch shall establish a coordinated procedure for the conduct and review of document discovery undertaken in litigation directly by that agency when that agency is litigation counsel. The procedure shall include, but is not necessarily limited to, review by a senior lawyer prior to service or filing of the request in litigation to determine that the request is not cumulative or duplicative, unreasonable, oppressive, unduly burdensome or expensive, taking into account the requirements of the litigation, the amount in controversy, the importance of the issues at stake in the litigation, and whether the documents can be obtained from some other source that is more convenient, less burdensome, or less expensive.

(2) *Discovery Motions.* Before petitioning a court to resolve a discovery motion or petitioning a court to impose sanctions for discovery abuses, litigation counsel shall attempt to resolve the dispute with opposing counsel. If litigation counsel makes a discovery motion concerning the dispute, he or she shall represent in that motion that any attempt at resolution was unsuccessful or impracticable under the circumstances.

(e) *Sanctions.* Litigation counsel shall take steps to seek sanctions against opposing counsel and opposing parties where appropriate.

(1) Litigation counsel shall evaluate filings made by opposing parties and, where appropriate, shall petition the court to impose sanctions against those responsible for abusive practices.

(2) Prior to filing a motion for sanctions, litigation counsel shall submit the motion for review to the sanctions officer, or his or her designee, within the litigation counsel’s agency. Such officer or designee shall be a senior supervising attorney within the agency, and shall be licensed to practice law before a State court, courts of the District of Columbia, or courts of any territory or Commonwealth of the United States. The sanctions officer or designee shall also review motions for sanctions that are filed against litigation counsel, the United States, its agencies, or its officers.

(f) *Improved Use of Litigation Resources.* Litigation counsel shall employ efficient case management techniques and shall make reasonable efforts to expedite civil litigation in cases under that counsel’s supervision and control. This includes but is not limited to:

(1) making reasonable efforts to negotiate with other parties about, and stipulate to, facts that are not in dispute;

(2) reviewing and revising pleadings and other filings to ensure that they are accurate and that they reflect a narrowing of issues, if any, that has resulted from discovery;

(3) requesting early trial dates where practicable;

(4) moving for summary judgment in every case where the movant would be likely to prevail, or where the motion is likely to narrow the issues to be tried; and

(5) reviewing and revising pleadings and other filings to ensure that unmeritorious threshold defenses and jurisdictional arguments, resulting in unnecessary delay, are not raised.

SEC. 2. *Government Pro Bono and Volunteer Service.* All Federal agencies should develop appropriate programs to encourage and facilitate pro bono legal and other volunteer service by government employees to be performed on their own time, including attorneys, as permitted by statute, regulation, or other rule or guideline.

SEC. 3. *Principles to Enact Legislation and Promulgate Regulations Which Do Not Unduly Burden the Federal Court System.*

(a) *General Duty to Review Legislation and Regulations.* Within current budgetary constraints and existing executive branch coordination mechanisms and procedures established in OMB Circular A-19 and Executive Order No. 12866 [5 U.S.C. 601 note], each agency promulgating new regulations, reviewing existing regulations, developing legislative proposals concerning regulations, and developing new legislation shall adhere to the following requirements:

(1) The agency’s proposed legislation and regulations shall be reviewed by the agency to eliminate drafting errors and ambiguity;

(2) The agency’s proposed legislation and regulations shall be written to minimize litigation; and

(3) The agency’s proposed legislation and regulations shall provide a clear legal standard for affected conduct rather than a general standard, and shall promote simplification and burden reduction.

(b) *Specific Issues for Review.* In conducting the reviews required by subsection (a), each agency formulating proposed legislation and regulations shall make every reasonable effort to ensure:

(1) that the legislation, as appropriate—

(A) specifies whether all causes of action arising under the law are subject to statutes of limitations;

(B) specifies in clear language the preemptive effect, if any, to be given to the law;

(C) specifies in clear language the effect on existing Federal law, if any, including all provisions repealed, circumscribed, displaced, impaired, or modified;

(D) provides a clear legal standard for affected conduct;

(E) specifies whether private arbitration and other forms of private dispute resolution are appropriate under enforcement and relief provisions; subject to constitutional requirements;

(F) specifies whether the provisions of the law are severable if one or more of them is found to be unconstitutional;

(G) specifies in clear language the retroactive effect, if any, to be given to the law;

(H) specifies in clear language the applicable burdens of proof;

(I) specifies in clear language whether it grants private parties a right to sue and, if so, the relief available and the conditions and terms for authorized awards of attorney’s fees, if any;

(J) specifies whether State courts have jurisdiction under the law and, if so, whether and under what conditions an action would be removable to Federal court;

(K) specifies whether administrative proceedings are to be required before parties may file suit in court and, if so, describes those proceedings and requires the exhaustion of administrative remedies;

(L) sets forth the standards governing the assertion of personal jurisdiction, if any;

(M) defines key statutory terms, either explicitly or by reference to other statutes that explicitly define those terms;

(N) specifies whether the legislation applies to the Federal Government or its agencies;

(O) specifies whether the legislation applies to States, territories, the District of Columbia, and the Commonwealths of Puerto Rico and of the Northern Mariana Islands;

(P) specifies what remedies are available such as money damages, civil penalties, injunctive relief, and attorney's fees; and

(Q) addresses other important issues affecting clarity and general draftsmanship of legislation set forth by the Attorney General, with the concurrence of the Director of the Office of Management and Budget ("OMB") and after consultation with affected agencies, that are determined to be in accordance with the purposes of this order.

(2) that the regulation, as appropriate—

(A) specifies in clear language the preemptive effect, if any, to be given to the regulation;

(B) specifies in clear language the effect on existing Federal law or regulation, if any, including all provisions repealed, circumscribed, displaced, impaired, or modified;

(C) provides a clear legal standard for affected conduct rather than a general standard, while promoting simplification and burden reduction;

(D) specifies in clear language the retroactive effect, if any, to be given to the regulation;

(E) specifies whether administrative proceedings are to be required before parties may file suit in court and, if so, describes those proceedings and requires the exhaustion of administrative remedies;

(F) defines key terms, either explicitly or by reference to other regulations or statutes that explicitly define those items; and

(G) addresses other important issues affecting clarity and general draftsmanship of regulations set forth by the Attorney General, with the concurrence of the Director of OMB and after consultation with affected agencies, that are determined to be in accordance with the purposes of this order.

(c) *Agency Review.* The agencies shall review such draft legislation or regulation to determine that either the draft legislation or regulation meets the applicable standards provided in subsections (a) and (b) of this section, or it is unreasonable to require the particular piece of draft legislation or regulation to meet one or more of those standards.

SEC. 4. *Principles to Promote Just and Efficient Administrative Adjudications.*

(a) *Implementation of Administrative Conference Recommendations.* In order to promote just and efficient resolution of disputes, an agency that adjudicates administrative claims shall, to the extent reasonable and practicable, and when not in conflict with other sections of this order, implement the recommendations of the Administrative Conference of the United States, entitled "Case Management as a Tool for Improving Agency Adjudication," as contained in 1 C.F.R. 305.86-7 (1991).

(b) *Improvements in Administrative Adjudication.* All Federal agencies should review their administrative adjudicatory processes and develop specific procedures to reduce delay in decision-making, to facilitate self-representation where appropriate, to expand non-lawyer counseling and representation where appropriate, and to invest maximum discretion in fact-finding officers to encourage appropriate settlement of claims as early as possible.

(c) *Bias.* All Federal agencies should review their administrative adjudicatory processes to identify any type of bias on the part of the decision-makers that results in an injustice to persons who appear before administrative adjudicatory tribunals; regularly train all fact-finders, administrative law judges, and other decision-makers to eliminate such bias; and establish appropriate mechanisms to receive and resolve complaints of such bias from persons who appear before administrative adjudicatory tribunals.

(d) *Public Education.* All Federal agencies should develop effective and simple methods, including the use

of electronic technology, to educate the public about its claims/benefits policies and procedures.

SEC. 5. *Coordination by the Department of Justice.*

(a) The Attorney General shall coordinate efforts by Federal agencies to implement sections 1, 2 and 4 of this order.

(b) To implement the principles and purposes announced by this order, the Attorney General is authorized to issue guidelines implementing sections 1 and 4 of this order for the Department of Justice. Such guidelines shall serve as models for internal guidelines that may be issued by other agencies pursuant to this order.

SEC. 6. *Definitions.* For purposes of this order:

(a) The term "agency" shall be defined as that term is defined in section 105 of title 5, United States Code.

(b) The term "litigation counsel" shall be defined as the trial counsel or the office in which such trial counsel is employed, such as the United States Attorney's Office for the district in which the litigation is pending or a litigating division of the Department of Justice. Special Assistant United States Attorneys are included within this definition. Those agencies authorized by law to represent themselves in court without assistance from the Department of Justice are also included in this definition, as are private counsel hired by any Federal agency to conduct litigation on behalf of the agency or the United States.

SEC. 7. *No Private Rights Created.* This order is intended only to improve the internal management of the executive branch in resolving disputes, conducting litigation in a reasonable and just manner, and reviewing legislation and regulations. This order shall not be construed as creating any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, its officers, or any other person. This order shall not be construed to create any right to judicial review involving the compliance or noncompliance of the United States, its agencies, its officers, or any other person with this order. Nothing in this order shall be construed to obligate the United States to accept a particular settlement or resolution of a dispute, to alter its standards for accepting settlements, to forego seeking a consent decree or other relief, or to alter any existing delegation of settlement or litigating authority.

SEC. 8. *Scope.*

(a) *No Applicability to Criminal Matters or Proceedings in Foreign Courts.* This order is applicable to civil matters only. It is not intended to affect criminal matters, including enforcement of criminal fines or judgments of criminal forfeiture. This order does not apply to litigation brought by or against the United States in foreign courts or tribunals.

(b) *Application of Notice Provision.* Notice pursuant to subsection (a) of section 1 is not required (1) in any action to seize or forfeit assets subject to forfeiture or in any action to seize property; (2) in any bankruptcy, insolvency, conservatorship, receivership, or liquidation proceeding; (3) when the assets that are the subject of the action or that would satisfy the judgment are subject to flight, dissipation, or destruction; (4) when the defendant is subject to flight; (5) when, as determined by litigation counsel, exigent circumstances make providing such notice impracticable or such notice would otherwise defeat the purpose of the litigation, such as in actions seeking temporary restraining orders or preliminary injunctive relief; or (6) in those limited classes of cases where the Attorney General determines that providing such notice would defeat the purpose of the litigation.

(c) *Additional Guidance as to Scope.* The Attorney General shall have the authority to issue further guidance as to the scope of this order, except section 3, consistent with the purposes of this order.

SEC. 9. *Conflicts with Other Rules.* Nothing in this order shall be construed to require litigation counsel or any agency to act in a manner contrary to the Federal Rules of Civil Procedure [28 App. U.S.C.], Tax Court Rules of Practice and Procedure [26 App. U.S.C.], State or Federal law, other applicable rules of practice or procedure, or court order.

SEC. 10. *Privileged Information.* Nothing in this order shall compel or authorize the disclosure of privileged information, sensitive law enforcement information, information affecting national security, or information the disclosure of which is prohibited by law.

SEC. 11. *Effective Date.* This order shall become effective 90 days after the date of signature. This order shall not apply to litigation commenced prior to the effective date.

SEC. 12. *Revocation.* Executive Order No. 12778 is hereby revoked.

WILLIAM J. CLINTON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 7 section 943; title 12 section 4243; title 19 section 1920; title 31 section 3718; title 38 sections 3730, 5316; title 42 section 8412.

§ 520. Transmission of petitions in United States Court of Federal Claims or in United States Court of Appeals for the Federal Circuit; statement furnished by departments

(a) In suits against the United States in the United States Court of Federal Claims or in the United States Court of Appeals for the Federal Circuit founded on a contract, agreement, or transaction with an executive department or military department, or a bureau, officer, or agent thereof, or when the matter or thing on which the claim is based has been passed on and decided by an executive department, military department, bureau, or officer authorized to adjust it, the Attorney General shall send to the department, bureau, or officer a printed copy of the petition filed by the claimant, with a request that the department, bureau, or officer furnish to the Attorney General all facts, circumstances, and evidence concerning the claim in the possession or knowledge of the department, bureau, or officer.

(b) Within a reasonable time after receipt of the request from the Attorney General, the executive department, military department, bureau, or officer shall furnish the Attorney General with a written statement of all facts, information, and proofs. The statement shall contain a reference to or description of all official documents and papers, if any, as may furnish proof of facts referred to in it, or may be necessary and proper for the defense of the United States against the claim, mentioning the department, office, or place where the same is kept or may be secured. If the claim has been passed on and decided by the department, bureau, or officer, the statement shall briefly state the reasons and principles on which the decision was based. When the decision was founded on an Act of Congress it shall be cited specifically, and if any previous interpretation or construction has been given to the Act, section, or clause by the department, bureau, or officer, it shall be set forth briefly in the statement and a copy of the opinion filed, if any, attached to it. When a decision in the case has been based on a regulation of a department or when a regulation has, in the opinion of the department, bureau, or officer sending the statement, any bearing on the claim, it shall be distinctly quoted at length in the statement. When more than one case or class of cases is pending, the defense of which rests on the same facts, circumstances, and proofs, the department, bureau, or officer may

certify and send one statement and it shall be held to apply to all cases as if made out, certified, and sent in each case respectively.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 614; amended Pub. L. 97-164, title I, §118(a), Apr. 2, 1982, 96 Stat. 32; Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	5 U.S.C. 91.	R.S. §188.

The section is reorganized and restated for clarity.

In subsection (a), the word “concerning” is substituted for “touching”.

In subsection (b), the words “without delay” are omitted as unnecessary in view of the requirement that the statement be furnished “Within a reasonable time”. The word “briefly” is substituted for “succinctly”. The words “in suit” are omitted as unnecessary.

The words “executive department” are substituted for “department” because “department” as used in R.S. §188 meant “executive department”. (See R.S. §159.) The words “military department” are inserted to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser’s note for section 301 of title 5, United States Code.

AMENDMENTS

1992—Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court” in section catchline and subsec. (a).

1982—Pub. L. 97-164, §118(a)(2), substituted “United States Claims Court or in United States Court of Appeals for the Federal Circuit” for “Court of Claims” in section catchline.

Subsec. (a). Pub. L. 97-164, §118(a)(1), substituted “United States Claims Court or in the United States Court of Appeals for the Federal Circuit” for “Court of Claims”.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of this title.

§ 521. Publication and distribution of opinions

The Attorney General, from time to time—

(1) shall cause to be edited, and printed in the Government Printing Office, such of his opinions as he considers valuable for preservation in volumes; and

(2) may prescribe the manner for the distribution of the volumes.

Each volume shall contain headnotes, an index, and such footnotes as the Attorney General may approve.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 614.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	5 U.S.C. 305 (1st sentence, as applicable to the Attorney General; 2d and 3d sentences).	R.S. §383 (1st sentence, as applicable to the Attorney General; 2d and 3d sentences).

Section 188 of the Revised Statutes was part of title IV of the Revised Statutes. The Act of July 26, 1947, ch. 343, §201(d), as added Aug. 10, 1949, ch. 412, §4. 63 Stat. 579 (former 5 U.S.C. 171-1), which provides "Except to the extent inconsistent with the provisions of this Act [National Security Act of 1947], the provisions of title IV of the Revised Statutes as now or hereafter amended shall be applicable to the Department of Defense" is omitted from this title but is not repealed.

The words "his opinions" are substituted for "the opinions of the law officers herein authorized to be given" as the opinions of the Attorney General are his and only his and the reference to other "law officers" is misleading. All functions of all other officers of the Department of Justice were transferred to the Attorney General by 1950 Reorg. Plan No. 2, §1, eff. May 14, 1950, 64 Stat. 1261. The word "considers" is substituted for "may deem".

In the last sentence, the words "proper" and "complete and full" are omitted as unnecessary.

§ 522. Report of business and statistics

The Attorney General, by April 1 of each year, shall report to Congress on the business of the Department of Justice for the last preceding fiscal year, and on any other matters pertaining to the Department that he considers proper, including—

(1) a statement of the several appropriations which are placed under the control of the Department and the amount appropriated;

(2) the statistics of crime under the laws of the United States; and

(3) a statement of the number of causes involving the United States, civil and criminal, pending during the preceding year in each of the several courts of the United States.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 615; amended Pub. L. 94-273, §19, Apr. 21, 1976, 90 Stat. 379.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	5 U.S.C. 333.	R.S. §384.

The words "The Attorney General . . . shall report" are substituted for "It shall be the duty of the Attorney General to make . . . a report". The word "beginning" is substituted for "commencement". The words "pertaining to the Department that he considers proper" are substituted for "appertaining thereto that he may deem proper".

The words "and a detailed statement of the amounts used for defraying the expenses of the United States courts in each judicial district" are omitted as obsolete in view of the creation of the Administrative Office of the United States Courts by the Act of Aug. 7, 1939, ch. 501, §1, 53 Stat. 1223 (Chapter 41 of this title).

In paragraph (3), the words "involving the United States" are inserted for clarity. The function of reporting on all cases pending in the United States courts is

now vested in the Administrative Office of the United States Courts, see 28 U.S.C. 604.

AMENDMENTS

1976—Pub. L. 94-273 substituted "by April 1 of each year" for "at the beginning of each regular session of Congress".

REPORT TO CONGRESS ON BANKING LAW OFFENSES

Pub. L. 101-647, title XXV, §2546, Nov. 29, 1990, 104 Stat. 4885, provided that:

"(a) IN GENERAL.—

"(1) DATA COLLECTION.—The Attorney General shall compile and collect data concerning—

"(A) the nature and number of civil and criminal investigations, prosecutions, and related proceedings, and civil enforcement and recovery proceedings, in progress with respect to banking law offenses under sections 981, 1008, 1032, and 3322(d) of title 18, United States Code, and section 951 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [12 U.S.C. 1833a] and conspiracies to commit any such offense, including inactive investigations of such offenses;

"(B) the number of—

"(i) investigations, prosecutions, and related proceedings described in subparagraph (A) which are inactive as of the close of the reporting period but have not been closed or declined; and

"(ii) unaddressed referrals which allege criminal misconduct involving offenses described in subparagraph (A), and the reasons such matters are inactive and the referrals unaddressed;

"(C) the nature and number of such matters closed, settled, or litigated to conclusion; and

"(D) the results achieved, including convictions and pretrial diversions, fines and penalties levied, restitution assessed and collected, and damages recovered, in such matters.

"(2) ANALYSIS AND REPORT.—The Attorney General shall analyze and report to the Congress on the data described in paragraph (1) and its coordination and other related activities named in section 2539(c)(2) [probably means section 2539(c)(3) of Pub. L. 101-647, set out as a note under section 509 of this title] and shall provide such report on the data monthly through December 31, 1991, and quarterly after such date.

"(b) SPECIFICS OF REPORT.—The report required by subsection (a) shall—

"(1) categorize data as to various types of financial institutions and appropriate dollar loss categories;

"(2) disclose data for each Federal judicial district;

"(3) describe the activities of the Financial Institutions Fraud Unit; and

"(4) list—

"(A) the number of institutions, categorized by failed and open institutions, in which evidence of significant fraud, unlawful activity, insider abuse or serious misconduct has been alleged or detected;

"(B) civil, criminal, and administrative enforcement actions, including those of the Federal financial institutions regulatory agencies, brought against offenders;

"(C) any settlements or judgments obtained against offenders;

"(D) indictments, guilty pleas, or verdicts obtained against offenders; and

"(E) the resources allocated in pursuit of investigations, prosecutions, and sentencings (including indictments, guilty pleas, or verdicts obtained against offenders) and related proceedings."

CONGRESSIONAL OVERSIGHT

Pub. L. 100-700, §6, Nov. 19, 1988, 102 Stat. 4634, provided that: "Commencing with the first year after the date of enactment of this section [Nov. 19, 1988], the Attorney General shall annually report to the Congress with respect to—

“(1) the number of referrals of fraud cases by the Department of Defense of defense contractors (with specific statistics with respect to the one hundred largest contractors), the number of open investigation of such contractors, and a breakdown of to which United States Attorney’s Office or other component of the Department of Justice each such case was referred;

“(2) the number of referrals of fraud cases from other agencies or sources;

“(3) the number of attorneys and support staff assigned pursuant to this Act [see Tables for classification];

“(4) the number of investigative agents assigned to each investigation and the period of time each investigation has been opened;

“(5) the number of convictions and acquittals achieved by individuals assigned to positions established by the Act; and

“(6) the sentences, recoveries, and penalties achieved by individuals assigned to positions established by this Act.”

REPORT TO CONGRESS ON ROBBERIES AND BURGLARIES INVOLVING CONTROLLED SUBSTANCES

Pub. L. 98-305, § 4, May 31, 1984, 98 Stat. 222, provided that: “For each of the first three years after the date of enactment of this Act [May 31, 1984], the Attorney General of the United States shall submit an annual report to the Congress with respect to the enforcement activities of the Attorney General relating to the offenses created by the amendment made by section 2 of this Act [enacting section 2118 of Title 18, Crimes and Criminal Procedure].”

REPORT TO CONGRESS ON SEXUAL EXPLOITATION OF CHILDREN

Pub. L. 98-292, § 9, May 21, 1984, 98 Stat. 206, provided that: “Beginning one hundred and twenty days after the date of enactment of this Act [May 21, 1984], and every year thereafter, the Attorney General shall report to the Congress on prosecutions, convictions, and forfeitures under chapter 110 of title 18 of the United States Code.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 18 section 2320; title 42 section 1997f.

§ 523. Requisitions

The Attorney General shall sign all requisitions for the advance or payment of moneys appropriated for the Department of Justice, out of the Treasury, subject to the same control as is exercised on like estimates or accounts by the General Accounting Office.

(Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 615.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 319.	R.S. § 369.

The words “General Accounting Office” are substituted for “First Auditor or First Comptroller of the Treasury” on authority of the Act of June 10, 1921, ch. 18, § 304, 42 Stat. 24.

§ 524. Availability of appropriations

(a) Appropriations for the Department of Justice are available for payment of—

(1) notarial fees, including such additional stenographic services as are required in connection therewith in the taking of depositions,

and compensation and expenses of witnesses and informants, all at the rates authorized or approved by the Attorney General or the Assistant Attorney General for Administration; and

(2) when ordered by the court, actual expenses of meals and lodging for marshals, deputy marshals, or criers when acting as bailiffs in attendance on juries.

(b) Except as provided in subsection (a) of this section, a claim of not more than \$500 for expenses related to litigation that is beyond the control of the Department may be paid out of appropriations currently available to the Department for expenses related to litigation when the Comptroller General settles the payment.

(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereafter in this subsection referred to as the “Fund”) which shall be available to the Attorney General without fiscal year limitation for the following law enforcement purposes—

(A) the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, sell, or dispose of property under seizure, detention, or forfeited pursuant to any law enforced or administered by the Department of Justice, or of any other necessary expense incident to the seizure, detention, forfeiture, or disposal of such property including—

(i) payments for—

(I) contract services;

(II) the employment of outside contractors to operate and manage properties or provide other specialized services necessary to dispose of such properties in an effort to maximize the return from such properties; and

(III) reimbursement of any Federal, State, or local agency for any expenditures made to perform the functions described in this clause;

(ii) payments to reimburse any Federal agency participating in the Fund for investigative costs leading to seizures;

(iii) payments for contracting for the services of experts and consultants needed by the Department of Justice to assist in carrying out duties related to asset seizure and forfeiture; and

(iv) payments made pursuant to guidelines promulgated by the Attorney General if such payments are necessary and directly related to seizure and forfeiture program expenses for—

(I) the purchase or lease of automatic data processing systems (not less than a majority of which use will be related to such program);

(II) training;

(III) printing;

(IV) the storage, protection, and destruction of controlled substances; and

(V) contracting for services directly related to the identification of forfeitable assets, and the processing of and accounting for forfeitures;

(B) the payment of awards for information or assistance directly relating to violations of the criminal drug laws of the United States or of sections 1956 and 1957 of title 18, sections 5313 and 5324 of title 31, and section 6050I of the Internal Revenue Code of 1986;

(C) at the discretion of the Attorney General, the payment of awards for information or assistance leading to a civil or criminal forfeiture involving any Federal agency participating in the Fund;

(D) the compromise and payment of valid liens and mortgages against property that has been forfeited pursuant to any law enforced or administered by the Department of Justice, subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made, and the employment of attorneys and other personnel skilled in State real estate law as necessary;

(E) disbursements authorized in connection with remission or mitigation procedures relating to property forfeited under any law enforced or administered by the Department of Justice;

(F)(i) for equipping for law enforcement functions of any Government-owned or leased vessel, vehicle, or aircraft available for official use by any Federal agency participating in the Fund;

(ii) for equipping any vessel, vehicle, or aircraft available for official use by a State or local law enforcement agency to enable the vessel, vehicle, or aircraft to assist law enforcement functions if the vessel, vehicle, or aircraft will be used in a joint law enforcement operation with a Federal agency participating in the Fund; and

(iii) payments for other equipment directly related to seizure or forfeiture, including laboratory equipment, protective equipment, communications equipment, and the operation and maintenance costs of such equipment;

(G) for purchase of evidence of any violation of the Controlled Substances Act, the Controlled Substances Import and Export Act, chapter 96 of title 18, or sections 1956 and 1957 of title 18;

(H) the payment of State and local property taxes on forfeited real property that accrued between the date of the violation giving rise to the forfeiture and the date of the forfeiture order; and¹

(I) payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State or local law enforcement officers that are incurred in a joint law enforcement operation with a Federal law enforcement agency participating in the Fund;²

(I)³ after all reimbursements and program-related expenses have been met at the end of fiscal year 1989, the Attorney General may transfer deposits from the Fund to the building and facilities account of the Federal prison

system for the construction of correctional institutions.

Amounts for paying the expenses authorized by subparagraphs (A)(iv), (B), (F), (G), and (H)⁴ shall be specified in appropriations Acts and may be used under authorities available to the organization receiving the funds. Amounts for other authorized expenditures and payments from the Fund, including equitable sharing payments, are not required to be specified in appropriations acts. The Attorney General may exempt the procurement of contract services under subparagraph (A) under the fund⁵ from section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 and following), and other provisions of law as may be necessary to maintain the security and confidentiality of related criminal investigations.

(2) Any award paid from the Fund for information, as provided in paragraph (1)(B) or (C), shall be paid at the discretion of the Attorney General or his delegate, under existing departmental delegation policies for the payment of awards, except that the authority to pay an award of \$250,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, the Director of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Administration. Any award for information pursuant to paragraph (1)(B) shall not exceed \$250,000. Any award for information pursuant to paragraph (1)(C) shall not exceed the lesser of \$250,000 or one-fourth of the amount realized by the United States from the property forfeited.

(3) Any amount under subparagraph (F) of paragraph (1) shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay \$100,000 or more may be delegated only to the respective head of the agency involved.

(4) There shall be deposited in the Fund—

(A) all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice, except all proceeds of forfeitures available for use by the Secretary of the Treasury or the Secretary of the Interior pursuant to section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)) or section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)), or the Postmaster General of the United States pursuant to 39 U.S.C. 2003(b)(7);

(B) all amounts representing the Federal equitable share from the forfeiture of property under any Federal, State, local or foreign law, for any Federal agency participating in the Fund; and

(C) all amounts transferred by the Secretary of the Treasury pursuant to section 9703(g)(4)(A)(ii)⁴ of title 31.

(5) Amounts in the Fund, and in any holding accounts associated with the Fund⁶ which are not currently needed for the purpose of this sec-

¹ So in original. The word "and" probably should not appear.

² So in original. Probably should be followed by "and".

³ So in original. Probably should be "(J)".

⁴ See References in Text note below.

⁵ So in original. Probably should be capitalized.

⁶ So in original. Probably should be followed by a comma.

tion shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Fund.

(6) The Attorney General shall transmit to the Congress, not later than 4 months after the end of each fiscal year, detailed reports as follows:

(A) a report on—

(i) the estimated total value of property forfeited under any law enforced or administered by the Department of Justice with respect to which funds were not deposited in the Fund; and

(ii) the estimated total value of all such property transferred to any State or local law enforcement agency;

(B) a report on—

(i) the Fund's beginning balance;

(ii) sources of receipts (seized cash, conveyances, and others);

(iii) liens and mortgages paid and amount of money shared with State and local law enforcement agencies;

(iv) the net amount realized from the year's operations, amount of seized cash being held as evidence, and the amount of money legally allowed to be carried over to next year;

(v) any defendant's property, not forfeited at the end of the preceding fiscal year, if the equity in such property is valued at \$1,000,000 or more; and

(vi) year-end Fund balance;

(C) a report for such fiscal year, containing audited financial statements, in the form prescribed by the Attorney General, in consultation with the Comptroller General, including profit and loss information with respect to forfeited property (by category), and financial information on forfeited property transactions (by type of disposition).

The report should also contain all annual audit reports from State and local law enforcement agencies required to be reported to the Attorney General under subparagraph (B) of paragraph (7);⁷ and

(D) a report for such fiscal year containing a description of the administrative and contracting expenses paid from the Fund under paragraph (1)(A).

(7) The provisions of this subsection relating to deposits in the Fund shall apply to all property in the custody of the Department of Justice on or after the effective date of the Comprehensive Forfeiture Act of 1983.

(8)(A) There are authorized to be appropriated such sums as necessary for the purposes described in subparagraphs (A)(iv), (B), (F), (G), and (H)⁸ of paragraph (1).

(B) Subject to subparagraphs (C) and (D), at the end of each of fiscal years 1994, 1995, and 1996, the Attorney General shall transfer from the Fund not more than \$100,000,000 to the Special Forfeiture Fund established by section 6073 of the Anti-Drug Abuse Act of 1988.

(C) Transfers under subparagraph (B) may be made only from the excess unobligated balance

and may not exceed one-half of the excess unobligated balance for any year. In addition, transfers under subparagraph (B) may be made only to the extent that the sum of the transfers in a fiscal year and one-half of the unobligated balance at the beginning of that fiscal year for the Special Forfeiture Fund does not exceed \$100,000,000.

(D) For the purpose of determining amounts available for distribution at year end for any fiscal year, "excess unobligated balance" means the unobligated balance of the Fund generated by that fiscal year's operations, less any amounts that are required to be retained in the Fund to ensure the availability of amounts in the subsequent fiscal year for purposes authorized under paragraph (1).

(E) Subject to the notification procedures contained in section 605 of Public Law 103-121, and after satisfying the transfer requirement in subparagraph (B) of this paragraph, any excess unobligated balance remaining in the Fund on September 30, 1997 and thereafter shall be available to the Attorney General, without fiscal year limitation, for any Federal law enforcement, litigative/prosecutive, and correctional activities, or any other authorized purpose of the Department of Justice. Any amounts provided pursuant to this subparagraph may be used under authorities available to the organization receiving the funds.

(9)(A) Following the completion of procedures for the forfeiture of property pursuant to any law enforced or administered by the Department, the Attorney General is authorized, in her discretion, to warrant clear title to any subsequent purchaser or transferee of such property.

(B) For fiscal year 1997, the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, real or personal property of limited or marginal value, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs. Such transfer shall not create or confer any private right of action in any person against the United States.

(10) The Attorney General shall transfer from the Fund to the Secretary of the Treasury for deposit in the Department of the Treasury Forfeiture Fund amounts appropriate to reflect the degree of participation of the Department of the Treasury law enforcement organizations (described in section 9703(p)⁸ of title 31) in the law enforcement effort resulting in the forfeiture pursuant to laws enforced or administered by the Department of Justice.

(11) For purposes of this subsection and notwithstanding section 9703⁸ of title 31 or any other law, property is forfeited pursuant to a law enforced or administered by the Department of Justice if it is forfeited pursuant to—

(A) a judicial forfeiture proceeding when the underlying seizure was made by an officer of a Federal law enforcement agency participating in the Department of Justice Assets Forfeiture Fund or the property was maintained by the United States Marshals Service; or

(B) a civil administrative forfeiture proceeding conducted by a Department of Justice law

⁷ See References in Text note below.

⁸ See References in Text note below.

enforcement component or pursuant to the authority of the Secretary of Commerce.

(d)(1) The Attorney General may accept, hold, administer, and use gifts, devises, and bequests of any property or services for the purpose of aiding or facilitating the work of the Department of Justice.

(2) Gifts, devises, and bequests of money, the proceeds of sale or liquidation of any other property accepted hereunder, and any income accruing from any property accepted hereunder—

(A) shall be deposited in the Treasury in a separate fund and held in trust by the Secretary of the Treasury for the benefit of the Department of Justice; and

(B) are hereby appropriated, without fiscal year limitation, and shall be disbursed on order of the Attorney General.

(3) Upon request of the Attorney General, the Secretary of the Treasury may invest and reinvest the fund described herein in public debt securities with maturities suitable for the needs of the fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States or comparable maturities.

(4) Evidences of any intangible personal property (other than money) accepted hereunder shall be deposited with the Secretary of the Treasury, who may hold or liquidate them, except that they shall be liquidated upon the request of the Attorney General.

(5) For purposes of federal⁹ income, estate, and gift taxes, property accepted hereunder shall be considered a gift, devise, or bequest to, or for the use of, the United States.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 615; amended Pub. L. 97-258, §2(g)(1)(B)–(D), Sept. 13, 1982, 96 Stat. 1060; Pub. L. 98-473, title II, §§310, 2303, Oct. 12, 1984, 98 Stat. 2052, 2193; Pub. L. 99-570, title I, §1152(a), Oct. 27, 1986, 100 Stat. 3207-12; Pub. L. 99-646, §27, Nov. 10, 1986, 100 Stat. 3597; Pub. L. 100-202, §101(a) [title II, §210(a)], Dec. 22, 1987, 101 Stat. 1329, 1329-18; Pub. L. 100-690, title VI, §6072, Nov. 18, 1988, 102 Stat. 4320; Pub. L. 101-509, title III, §1, Nov. 5, 1990, 104 Stat. 1403; Pub. L. 101-647, title XVI, §1601, title XX, §§2001(a), 2002, 2005, 2006, Nov. 29, 1990, 104 Stat. 4842, 4854, 4855; Pub. L. 102-27, title II, §101, Apr. 10, 1991, 105 Stat. 135; Pub. L. 102-140, title I, §112, Oct. 28, 1991, 105 Stat. 795; Pub. L. 102-393, title VI, §638(f), Oct. 6, 1992, 106 Stat. 1788; Pub. L. 102-395, title I, §114(b), (c), Oct. 6, 1992, 106 Stat. 1845; Pub. L. 102-550, title XV, §1529, Oct. 28, 1992, 106 Stat. 4065; Pub. L. 103-121, title I, §109, Oct. 27, 1993, 107 Stat. 1164; Pub. L. 103-317, title I, §110, Aug. 26, 1994, 108 Stat. 1735; Pub. L. 103-322, title IX, §90205(b), title XXXII, §§320301, 320302, 320913(a), Sept. 13, 1994, 108 Stat. 1994, 2114, 2128; Pub. L. 104-66, title I, §1091(h), Dec. 21, 1995, 109 Stat. 722; Pub. L. 104-91, title I, §101(a), Jan. 6, 1996, 110 Stat. 11, amended Pub. L. 104-99, title II, §211, Jan. 26, 1996, 110 Stat. 37; Pub. L. 104-134, title I, §101(a) [title I, §122], Apr. 26, 1996, 110 Stat. 1321, 1321-22; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 104-208, div. A, title I, §101(a) [title I,

§§108, 114, 116, 117], Sept. 30, 1996, 110 Stat. 3009, 3009-18, 3009-22, 3009-23; Pub. L. 105-119, title I, §§108, 124, title II, §211(b), Nov. 26, 1997, 111 Stat. 2457, 2471, 2487; Pub. L. 105-272, title VI, §605, Oct. 20, 1998, 112 Stat. 2413.)

HISTORICAL AND REVISION NOTES 1966 ACT

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 341.	July 28, 1950, ch. 503, §1, 64 Stat. 380.

The words “now or hereafter” are omitted as unnecessary. The words “Assistant Attorney General for Administration” are substituted for “his administrative assistant” to make the statute more specific and to reflect the current title of the position, see §307 of the Act of Aug. 14, 1964, Pub. L. 88-426, 78 Stat. 432.

1982 ACT

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
28:524(b) ..	31:693a.	Oct. 10, 1949, ch. 662, §101 (par. under heading “General Provision—Department of Justice”), 63 Stat. 746.

The words “After October 10, 1949” are omitted as executed. The words “Except as provided in subsection (a) of this section” are added for clarity. The words “fees, storage, or other items of” are omitted as surplus. The words “to the Department” are added for clarity.

REFERENCES IN TEXT

Subparagraph (H), referred to in subsec. (c)(1), (8)(A), was redesignated subpar. (I) relating to payment of overtime salaries, travel, etc., and a new subpar. (H) was added by Pub. L. 103-322, title XXXII, §320913(a), Sept. 13, 1994, 108 Stat. 2128.

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (c)(1), is act June 30, 1949, ch. 288, 63 Stat. 393, as amended. Title III of the Federal Property and Administrative Services Act of 1949 is classified generally to subchapter IV (§251 et seq.) of chapter 4 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40, Public Buildings, Property, and Works, and Tables.

Section 6050I of the Internal Revenue Code of 1986, referred to in subsec. (c)(1)(B), is classified to section 6050I of Title 26, Internal Revenue Code.

The Controlled Substances Act, referred to in subsec. (c)(1)(G), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (§801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

The Controlled Substances Import and Export Act, referred to in subsec. (c)(1)(G), is title III of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1285, as amended, which is classified principally to subchapter II (§951 et seq.) of chapter 13 of Title 21. For complete classification of this Act to the Code, see Short Title note set out under section 951 of Title 21 and Tables.

Section 9703 of title 31, referred to in subsec. (c)(4)(C), (10), (11), probably means the section 9703 of Title 31, Money and Finance, added by Pub. L. 102-393, title VI, §638(b)(1), Oct. 6, 1992, 106 Stat. 1779. Clause (ii) of subsec. (g)(4)(A) of that section was repealed by Pub. L. 103-322, title IX, §90205(c)(2)(B), Sept. 13, 1994, 108 Stat. 1995.

Paragraph (7), referred to in subsec. (c)(6)(C), was struck out by Pub. L. 104-66 and par. (8) was redesignated as par. (7).

The effective date of the Comprehensive Forfeiture Act of 1983, referred to in subsec. (c)(7), probably means

⁹ So in original. Probably should be capitalized.

the date of enactment of the Comprehensive Forfeiture Act of 1984, chapter III (§§301 to 323) of title II of Pub. L. 98-473, which was approved Oct. 12, 1984.

Section 6073 of the Anti-Drug Abuse Act of 1988, referred to in subsec. (c)(8)(B), is classified to section 1509 of Title 21, Food and Drugs.

Section 605 of Public Law 103-121, referred to in subsec. (c)(8)(E), is section 605 of Pub. L. 103-121, title VI, Oct. 27, 1993, 107 Stat. 1194, which is not classified to the Code.

CODIFICATION

Amendment by Pub. L. 104-91 is based on section 109 of H.R. 2076, One Hundred Fourth Congress, as passed by the House of Representatives on Dec. 6, 1995, which was enacted into law by Pub. L. 104-91.

AMENDMENTS

1998—Subsec. (d)(1). Pub. L. 105-272 inserted “or services” after “property”.

1997—Subsec. (c)(8)(B). Pub. L. 105-119, §124, substituted “and 1996,” for “1996, and 1997.”.

Subsec. (c)(8)(E). Pub. L. 105-119, §108, substituted “1997 and thereafter” for “1996”.

Subsec. (c)(11)(B). Pub. L. 105-119, §211(b), which directed the amendment of subpar. (B) by inserting at end thereof “or pursuant to the authority of the Secretary of Commerce”, was executed by inserting the material before the period to reflect the probable intent of Congress.

1996—Subsec. (c)(1). Pub. L. 104-208, §101(a) [title I, §114(a)], struck out “(C),” after “(B),” in concluding provisions.

Subsec. (c)(8)(A). Pub. L. 104-208, §101(a) [title I, §114(b)], struck out “(C),” after “(B),”.

Subsec. (c)(8)(E). Pub. L. 104-208, §101(a) [title I, §108], substituted “September 30, 1996” for “September 30, 1995”.

Pub. L. 104-134 struck out subpar. (E), as added by Pub. L. 103-317, which read as follows: “Subject to the notification procedures contained in section 605 of Public Law 103-121, and after satisfying the transfer requirement in subparagraph (B) above, any excess unobligated balance remaining in the Fund on September 30, 1994 shall be available to the Attorney General, without fiscal year limitation, for any Federal law enforcement, litigative/prosecutive, and correctional activities, or any other authorized purpose of the Department of Justice. Any amounts provided pursuant to this section may be used under authorities available to the organization receiving the funds.”

Pub. L. 104-91, as amended by Pub. L. 104-99, which directed amendment of subsec. (c)(9) of this section by adding subpar. (E) relating to excess unobligated balance remaining in the Fund on Sept. 30, 1995, was executed by adding subpar. (E) at the end of subsec. (c)(8), to reflect the redesignation of subsec. (c)(9) as (c)(8) by Pub. L. 104-66. See below.

Subsec. (c)(9). Pub. L. 104-208, §101(a) [title I, §117], amended par. (9) generally. Prior to amendment, par. (9) read as follows: “Following the completion of procedures for the forfeiture of property pursuant to any law enforced or administered by the Department, the Attorney General is authorized, at his discretion, to warrant clear title to any subsequent purchaser or transferee of such forfeited property.”

Subsec. (d). Pub. L. 104-208, §101(a) [title I, §116], added subsec. (d).

1995—Subsec. (c)(7) to (12). Pub. L. 104-66 redesignated pars. (8) to (12) as (7) to (11), respectively, and struck out former par. (7) which read as follows:

“(7)(A) The Fund shall be subject to annual audit by the Comptroller General.

“(B) The Attorney General shall require that any State or local law enforcement agency receiving funds conduct an annual audit detailing the uses and expenses to which the funds were dedicated and the amount used for each use or expense and report the results of the audit to the Attorney General.”

1994—Subsec. (c)(1)(H), (I). Pub. L. 103-322, §320913(a), added subpar. (H) and redesignated former subpar. (H) relating to payment of overtime salaries, travel, etc. as (I).

Subsec. (c)(6)(B). Pub. L. 103-322, §320302(1), struck out “and” at end.

Subsec. (c)(6)(C). Pub. L. 103-322, §320302(2), substituted “; and” for period at end.

Pub. L. 103-322, §320301(b), inserted as flush sentence at end “The report should also contain all annual audit reports from State and local law enforcement agencies required to be reported to the Attorney General under subparagraph (B) of paragraph (7).”

Subsec. (c)(6)(D). Pub. L. 103-322, §320302(3), added subpar. (D).

Subsec. (c)(7). Pub. L. 103-322, §320301(a), amended par. (7) generally, designating existing provisions as subpar. (A) and adding subpar. (B).

Subsec. (c)(9)(B) to (D). Pub. L. 103-322, §90205(b), amended subpars. (B) to (D) generally. Prior to amendment, subpars. (B) to (D) read as follows:

“(B) Subject to subparagraph (C), in each of fiscal years 1990, 1991, 1992, and 1993, the Attorney General may transfer from the Fund not more than \$150,000,000 to the Special Forfeiture Fund established by section 6073 of the Anti-Drug Abuse Act of 1988. Such transfers shall be made at the end of each quarter of the fiscal year involved and on a quarterly pro rata basis.

“(C) Transfers under subparagraph (B) may be made only from excess unobligated amounts and only to the extent that, as determined by the Attorney General, such transfers will not impair the future availability of amounts for the purposes under paragraph (1). Further, transfers under subsection (B) may be made only to the extent that the sum of the transfers for the current fiscal year and the unobligated balance at the beginning of the current fiscal year for the Special Forfeiture Fund do not exceed \$150,000,000.

“(D) At the end of each of fiscal years 1990, 1991, 1992, and 1993, the Attorney General may retain in the Fund not more than \$15,000,000, or, if determined by the Attorney General to be necessary for asset-specific expenses, a greater amount equal to not more than one-tenth of the total of obligations from the Fund in preceding fiscal year.”

Subsec. (c)(9)(E). Pub. L. 103-317 added subpar. (E).

1993—Subsec. (c)(9)(E). Pub. L. 103-121, which directed the striking of “subsection (E)”, was executed by striking subpar. (E) which read as follows: “Subject to the notification procedures contained in section 606 of Public Law 101-515, and after reserving the amounts authorized in subparagraph (D) above, any unobligated balances remaining in the Fund on September 30, 1991, and on September 30 of each fiscal year thereafter, shall be available to the Attorney General, without fiscal year limitation, for law enforcement, prosecution and correctional activities, and related training requirements of Federal agencies. Any amounts provided pursuant to this section may be used under authorities available to the organization receiving the funds.”

1992—Subsec. (c)(1). Pub. L. 102-393, §638(f)(1)(C)–(F), which directed amendment of par. (1) by adding subpar. (H), redesignating former subpar. (H) as (I), and substituting “(A)(iv)” for “(A)(ii)” and “(G), and (H)” for “and (G)” in the first sentence of par. following subpar. (I), was executed to par. (1) as amended by Pub. L. 102-395, §114(c), to reflect the probable intent of Congress and the approval of Pub. L. 102-393 and Pub. L. 102-395 on the same day.

Pub. L. 102-395, §114(c), amended generally the first sentence of par. following subpar. (H). Prior to amendment, that sentence read as follows: “Amounts for paying the expenses authorized by subparagraphs (A)(ii), (B), (C), (F), and (G) shall be specified in appropriations acts.”

Subsec. (c)(1)(A). Pub. L. 102-393, §638(f)(1)(A), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise,

or sell property under seizure, detention, or forfeited pursuant to any law enforced or administered by the Department of Justice, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property; such payments may include—

“(i) payments for contract services, the employment of outside contractors to operate and manage properties or provide other specialized services as necessary to dispose of such properties in an effort to maximize the return from such properties, and payments to reimburse any Federal, State, or local agency for any expenditures made to perform the foregoing functions; and

“(ii) payments made pursuant to regulations promulgated by the Attorney General, that are necessary and direct program-related expenses for the purchase or lease of automatic data processing equipment (not less than a majority of which use will be program related), training, printing, contracting for services directly related to the identification of forfeitable assets processing of and accounting for forfeitures, and the storage, protection, and destruction of controlled substances;”.

Subsec. (c)(1)(B). Pub. L. 102-550 inserted “or of sections 1956 and 1957 of title 18, sections 5313 and 5324 of title 31, and section 6050I of the Internal Revenue Code of 1986” after “United States”.

Subsec. (c)(1)(F). Pub. L. 102-393, § 638(f)(1)(B), amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: “for equipping for law enforcement functions any government-owned or leased vessels, vehicles, and aircraft available for official use by any federal agency participating in the Fund;”.

Subsec. (c)(1)(H), (I). Pub. L. 102-393, § 638(f)(1)(C)–(E), added subpar. (H) and redesignated former subpar. (H) as (I).

Subsec. (c)(4). Pub. L. 102-393, § 638(f)(2), inserted “Federal,” before “State” in subpar. (B) and added subpar. (C).

Subsec. (c)(6)(B)(v). Pub. L. 102-393, § 638(f)(3), amended cl. (v) generally. Prior to amendment, cl. (v) read as follows: “any defendant’s equity in property valued at \$1,000,000 or more; and”.

Subsec. (c)(9)(A). Pub. L. 102-393, § 638(f)(4), substituted “(A)(iv)” for “(A)(ii)” and “(G), and (H)” for “and (G)”.

Subsec. (c)(9)(E). Pub. L. 102-395, § 114(b), struck out “to be transferred to any Federal agency” after “without fiscal year limitation,” and substituted for period at end “of Federal agencies. Any amounts provided pursuant to this section may be used under authorities available to the organization receiving the funds.”

Pub. L. 102-393, § 638(f)(5), struck out “to procure vehicles, equipment, and other capital investment items” before “for law enforcement”.

Subsec. (c)(11), (12). Pub. L. 102-393, § 638(f)(6), added pars. (11) and (12) and struck out former par. (11) which read as follows: “For the purposes of this subsection, property is forfeited pursuant to a law enforced or administered by the Department of Justice if it is forfeited pursuant to—

“(A) any criminal forfeiture proceeding;

“(B) any civil judicial forfeiture proceeding; or

“(C) any civil administrative forfeiture proceeding

conducted by the Department of Justice, except to the extent that the seizure was effected by a Customs officer or that custody was maintained by the United States Customs Service in which case the provisions of section 613A of the Tariff Act of 1930 (19 U.S.C. 1613a) shall apply.”

1991—Subsec. (c)(1). Pub. L. 102-140, § 112(1), substituted “law enforcement purposes” for “purposes of the Department of Justice” in introductory provisions.

Subsec. (c)(1)(C). Pub. L. 102-140, § 112(2), added subpar. (C) and struck out former subpar. (C) which read as follows: “at the discretion of the Attorney General, the payment of awards for information or assistance leading to—

“(i) a civil or criminal forfeiture under the Controlled Substances Act or the Controlled Substances Import and Export Act;

“(ii) a criminal forfeiture under chapter 96 of title 18;

“(iii) a civil forfeiture under section 981 of title 18; or

“(iv) a criminal forfeiture under section 982 of title 18.”

Subsec. (c)(1)(F). Pub. L. 102-140, § 112(3), (4), struck out “drug” before “law enforcement functions” and substituted “any federal agency participating in the Fund” for “the Drug Enforcement Administration, the Federal Bureau of Investigation, the Immigration and Naturalization Service, or the United States Marshals Service”.

Subsec. (c)(4). Pub. L. 102-140, § 112(5), added par. (4) and struck out former par. (4) which read as follows: “There shall be deposited in the Fund all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice, except all proceeds of forfeitures available for use by the Secretary of the Treasury or the Secretary of the Interior pursuant to section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)) or section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)) or the Postmaster General of the United States pursuant to section 2003(b)(7) of title 39.”

Subsec. (c)(5). Pub. L. 102-140, § 112(6), inserted “, and in any holding accounts associated with the Fund” after first reference to “Fund”.

Subsec. (c)(9)(C). Pub. L. 102-140, § 112(7), inserted at end “Further, transfers under subsection (B) may be made only to the extent that the sum of the transfers for the current fiscal year and the unobligated balance at the beginning of the current fiscal year for the Special Forfeiture Fund do not exceed \$150,000,000.”

Subsec. (c)(9)(E). Pub. L. 102-140, § 112(8)(B), which directed the substitution of “to be transferred to any Federal agency to procure vehicles, equipment, and other capital investment items for law enforcement, prosecution and correctional activities, and related training requirements” for “to procure vehicles, equipment, and other capital investment items for the law enforcement, prosecution and correctional activities of the Department of Justice” was executed by making the substitution for the quoted words which in the original contained a comma after “prosecution”, to reflect the probable intent of Congress.

Pub. L. 102-140, § 112(8)(A), substituted “of each fiscal year thereafter” for “, 1992”.

Pub. L. 102-27 added subpar. (E).

1990—Subsec. (c)(1)(C). Pub. L. 101-647, § 2005, amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: “the payment of awards for information or assistance leading to a civil or criminal forfeiture under any law enforced or administered by the Department of Justice., at the discretion of the Attorney General;”.

Pub. L. 101-647, § 1601, which directed substitution of “the payment of awards for information or assistance leading to a civil or criminal forfeiture under any law enforced or administered by the Department of Justice.” for “the payment of awards for information or assistance leading to civil or criminal forfeiture under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 800 et seq.) or a criminal forfeiture under the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 et seq.)”, was executed by making the substitution for “the payment of awards for information or assistance leading to a civil or criminal forfeiture under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 800 et seq.) or a criminal forfeiture under the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 et seq.)” to reflect the probable intent of Congress.

Subsec. (c)(6). Pub. L. 101-647, § 2006, struck out “two” after “fiscal year,” in introductory provisions and added subpar. (C).

Subsec. (c)(9). Pub. L. 101-647, § 2001(a), inserted “(A)” before “There” and substituted subpars. (B) to (D) for “For each of fiscal years 1991, 1992, and 1993, the Attorney General shall transfer not to exceed \$150,000,000 in

unobligated amounts available in the Fund to the Special Forfeiture Fund: *Provided*, That such amounts will be transferred on a quarterly basis: *Provided further*, That, upon each transfer, not to exceed \$15,000,000, or, if determined by the Attorney General to be necessary to meet forfeiture program expenses, an amount not to exceed one-tenth of the previous year's obligations shall be retained in the Fund and remain available for payment of authorized expenses: *Provided further*, That, any unobligated amounts in excess of \$150,000,000 shall remain on deposit in the Fund."

Pub. L. 101-509 amended second sentence generally, substituting sentence providing for transfers to Special Forfeiture Fund in fiscal years 1991, 1992, and 1993 for sentence that read as follows: "At the end of each of fiscal years 1990, 1991, and 1992, unobligated amounts not to exceed \$150,000,000 remaining in the Fund shall be deposited in the Special Forfeiture Fund, except that an amount not to exceed \$15,000,000 or, if determined necessary by the Attorney General to meet asset specific expenses, an amount equal to one-twelfth of the previous year's expenditures may be carried forward and remain available for appropriation in the next fiscal year."

Subsec. (c)(10), (11). Pub. L. 101-647, §2002, added par. (10) and redesignated former par. (10) as (11).

1988—Subsec. (c). Pub. L. 100-690 amended subsec. (c) generally, revising and restating as pars. (1) to (10) provisions of former pars. (1) to (8).

1987—Subsec. (c)(1)(H). Pub. L. 100-202 added subpar. (H).

1986—Subsec. (c)(1)(A). Pub. L. 99-570, §1152(a)(1)(2), inserted provisions allowing payments that are necessary and direct program-related expenses for the purchase or lease of automatic data processing equipment, training, printing, contracting for services directly related to the processing of and accounting for forfeitures, and the storage, protection, and destruction of controlled substances.

Subsec. (c)(1)(B) to (E). Pub. L. 99-570, §1152(a)(1)(3), added subpar. (B) and redesignated former subpars. (B) to (E) as (C) to (F), respectively.

Subsec. (c)(1)(F). Pub. L. 99-646, §27(a), which directed the amendment of subpar. (E) by inserting "the Federal Bureau of Investigation, the United States Marshals Service," after "for official use by" and a comma before "or" was not executed in view of prior redesignation of subpar. (E) as (F) and substantively similar amendment by section 1152(a) of Pub. L. 99-570.

Pub. L. 99-570, §1152(a)(1)(3), (4), redesignated former subpar. (E) as (F) and amended it generally. Prior to amendment, subpar. (E) read as follows: "for equipping for law enforcement functions of forfeited vessels, vehicles, and aircraft retained as provided by law for official use by the Drug Enforcement Administration or the Immigration and Naturalization Service; and". Former subpar. (F) redesignated (G).

Subsec. (c)(1)(G). Pub. L. 99-570, §1152(a)(1)(3), redesignated former subpar. (F) as (G).

Subsec. (c)(4). Pub. L. 99-570, §1152(a)(1)(5), and Pub. L. 99-646, §27(b), made substantially identical amendments substituting "except all proceeds of forfeitures available for use by the Secretary of the Treasury or the Secretary of the Interior pursuant to section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)) or section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))" for "remaining after the payment of expenses for forfeiture and sale authorized by law".

Subsec. (c)(8), (9). Pub. L. 99-570, §1152(a)(1)(6), redesignated par. (9) as (8), and struck out former par. (8) which provided for an authorization of appropriations for fiscal years 1984 to 1987 and deposit of excess amounts in the general fund of the Treasury of the United States.

1984—Subsec. (c). Pub. L. 98-473, §310, added subsec. (c).

Subsec. (c)(1)(E), (F). Pub. L. 98-473, §2303(a), added subpars. (E) and (F).

Subsec. (c)(3) to (9). Pub. L. 98-473, §2303(b), added par. (3) and redesignated existing pars. (3) to (8) as (4) to (9), respectively.

1982—Pub. L. 97-258, §2(g)(1)(B), substituted "Availability of appropriations" for "Appropriations for administrative expenses; notarial fees; meals and lodging of bailiffs" in section catchline.

Subsecs. (a), (b). Pub. L. 97-258, §2(g)(1)(C), (D), designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1994 AMENDMENT

Section 320913(b) of Pub. L. 103-322 provided that: "The amendment made by subsection (a) [amending this section] shall apply to all claims pending at the time of or commenced subsequent to the date of enactment of this Act [Sept. 13, 1994]."

ACQUISITION OF EQUIPMENT OR INTERIM SERVICES WITH COUNTERTERRORISM FUNDS

Pub. L. 106-113, div. B, §1000(a)(1) [title I, §109], Nov. 29, 1999, 113 Stat. 1535, 1501A-20, provided that: "Sections 115 [set out below] and 127 [42 U.S.C. 1997e note] of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of Public Law 105-277) shall apply to fiscal year 2000 and thereafter."

Pub. L. 105-277, div. A, §101(b) [title I, §115], Oct. 21, 1998, 112 Stat. 2681-50, 2681-68, provided that:

"(a)(1) Notwithstanding any other provision of law, for fiscal year 1999, the Attorney General may obligate any funds appropriated for or reimbursed to the Counterterrorism programs, projects or activities of the Department of Justice to purchase or lease equipment or any related items, or to acquire interim services, without regard to any otherwise applicable Federal acquisition rule, if the Attorney General determines that—

"(A) there is an exigent need for the equipment, related items, or services in order to support an ongoing counterterrorism, national security, or computer-crime investigation or prosecution;

"(B) the equipment, related items, or services required are not available within the Department of Justice; and

"(C) adherence to that Federal acquisition rule would—

"(i) delay the timely acquisition of the equipment, related items, or services; and

"(ii) adversely affect an ongoing counterterrorism, national security, or computer-crime investigation or prosecution.

"(2) In this subsection, the term 'Federal acquisition rule' means any provision of title II or IX of the Federal Property and Administrative Services Act of 1949 [40 U.S.C. 481 et seq., 541 et seq.], the Office of Federal Procurement Policy Act [41 U.S.C. 401 et seq.], the Small Business Act [15 U.S.C. 631 et seq.], the Federal Acquisition Regulation, or any other provision of law or regulation that establishes policies, procedures, requirements, conditions, or restrictions for procurements by the head of a department or agency or the Federal Government.

"(b) The Attorney General shall immediately notify the Committees on Appropriations of the House of Representatives and the Senate in writing of each expenditure under subsection (a), which notification shall include sufficient information to explain the circumstances necessitating the exercise of the authority under that subsection."

GRANT PROGRAMS; "TRIBE", "INDIAN TRIBE", OR "TRIBAL" DEFINED

Pub. L. 105-277, div. A, §101(b) [title I, §113], Oct. 21, 1998, 112 Stat. 2681-50, 2681-67, as amended by Pub. L. 106-31, title III, §3028, May 21, 1999, 113 Stat. 102; Pub. L. 106-113, div. B, §1000(a)(1) [title I, §116], Nov. 29, 1999, 113 Stat. 1535, 1501A-21, provided that: "Notwithstanding any other provision of law for fiscal year 2000 and hereafter, with respect to any grant program for which amounts are made available under this title, the terms

‘tribe’, ‘Indian tribe’ or ‘tribal’ mean of or relating to an Indian tribe as that term is defined in section 4(e) of the Indian Self Determination and Education Assistance Act (Public Law 93-638, as amended; 25 U.S.C. 450b(e) (1998)).”

COUNTERTERRORISM FUND

Pub. L. 104-19, title III, July 27, 1995, 109 Stat. 249, provided that: “There is hereby established the Counterterrorism Fund which shall remain available without fiscal year limitation. For necessary expenses, as determined by the Attorney General, \$34,220,000, to remain available until expended, is appropriated to the Counterterrorism Fund to reimburse any Department of Justice organization for the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as the result of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City or any domestic or international terrorism event: *Provided*, That funds from this appropriation also may be used to reimburse the appropriation account of any Department of Justice agency engaged in, or providing support to, countering, investigating or prosecuting domestic or international terrorism, including payment of rewards in connection with these activities, and to conduct a terrorism threat assessment of Federal agencies and their facilities: *Provided further*, That any amount obligated from appropriations under this heading may be used under the authorities available to the organization reimbursed from this appropriation: *Provided further*, That amounts in excess of the \$10,555,000 made available for extraordinary expenses incurred in the Oklahoma City bombing for fiscal year 1995, shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of Public Law 103-317 [108 Stat. 1773]: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 901(b)(2)(D)(i)], as amended: *Provided further*, That the amount not previously designated by the President as an emergency requirement shall be available only to the extent an official budget request, for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 [see Short Title note set out under 2 U.S.C. 900], as amended, is transmitted to Congress.”

UNAUTHORIZED TRANSFERS FROM DEPARTMENT OF JUSTICE ACCOUNTS; CONTROL OF ALLOCATION OF FUNDS BY AUTHORITY OTHER THAN OFFICE OF MANAGEMENT AND BUDGET OR DEPARTMENT OF JUSTICE

Section 110 of H.R. 2076, One Hundred Fourth Congress, as passed by the House of Representatives on Dec. 6, 1995, and as enacted into law by Pub. L. 104-91, title I, §101(a), Jan. 6, 1996, 110 Stat. 11, as amended by Pub. L. 104-99, title II, §211, Jan. 26, 1996, 110 Stat. 37, provided that: “Hereafter, notwithstanding any other provision of law—

“(1) No transfers may be made from Department of Justice accounts other than those authorized in this Act [probably means H.R. 2076, One Hundred Fourth Congress, which was vetoed], or in previous or subsequent appropriations Acts for the Department of Justice, or in part II of title 28 of the United States Code, or in section 10601 of title 42 of the United States Code; and

“(2) No appropriation account within the Department of Justice shall have its allocation of funds controlled by other than an apportionment issued by the Office of Management and Budget or an allotment advice issued by the Department of Justice.”

Similar provisions were contained in the following prior appropriation act:

Pub. L. 103-317, title I, §113, Aug. 26, 1994, 108 Stat. 1736.

USE OF DEPOSITS TRANSFERRED FROM ASSETS FORFEITURE FUND TO BUILDINGS AND FACILITIES ACCOUNT OF FEDERAL PRISON SYSTEM

Section 106 of Pub. L. 103-121 provided that: “For fiscal year 1994 and thereafter, deposits transferred from the Assets Forfeiture Fund to the Buildings and Facilities account of the Federal Prison System may be used for the construction of correctional institutions, and the construction and renovation of Immigration and Naturalization Service and United States Marshals Service detention facilities, and for the authorized purposes of the Cooperative Agreement Program.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 102-395, title I, §107, Oct. 6, 1992, 106 Stat. 1841.

Pub. L. 102-140, title I, §107, Oct. 28, 1991, 105 Stat. 794.

Pub. L. 101-515, title II, §208, Nov. 5, 1990, 104 Stat. 2119.

Pub. L. 101-162, title II, as added Pub. L. 101-302, title II, May 25, 1990, 104 Stat. 216.

NOTICE AND APPROVAL OF TRANSFER OF SUBSECTION (C)(1)(H) DEPOSITS

Section 101(a) [title II, §210(b)] of Pub. L. 100-202 provided that: “Amounts proposed for transfer pursuant to subsection (a) [amending this section] shall be transferred only upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate and approval under said Committees’ policies concerning the reprogramming of funds.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 18 sections 793, 794, 798, 2254; title 21 sections 881, 1509; title 31 section 9703; title 50 section 783.

§ 525. Procurement of law books, reference books, and periodicals; sale and exchange

In the procurement of law books, reference books, and periodicals, the Attorney General may exchange or sell similar items and apply the exchange allowances or proceeds of such sales in whole or in part payment therefor.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 615.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	5 U.S.C. 341e.	July 28, 1950, ch. 503, §3, 64 Stat. 380.

The words “Attorney General” are substituted for “Department of Justice”.

§ 526. Authority of Attorney General to investigate United States attorneys, marshals, and trustees, clerks of court, and others

(a) The Attorney General may investigate the official acts, records, and accounts of—

(1) the United States attorneys, marshals,¹ trustees, including trustees in cases under title 11; and

(2) at the request and on behalf of the Director of the Administrative Office of the United States Courts, the clerks of the United States courts and of the district court of the Virgin Islands, probation officers, United States magistrates, and court reporters;

¹ So in original.

for which purpose all the official papers, records, dockets, and accounts of these officers, without exception, may be examined by agents of the Attorney General at any time.

(b) Appropriations for the examination of judicial officers are available for carrying out this section.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 615; amended Pub. L. 95-598, title II, §§219(a), (b), 220, Nov. 6, 1978, 92 Stat. 2662; Pub. L. 99-554, title I, §144(c), Oct. 27, 1986, 100 Stat. 3096.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	5 U.S.C. 341b.	July 28, 1950, ch. 503, §4, 64 Stat. 380. July 7, 1958, Pub. L. 85-508, §12(q), 72 Stat. 349.

In subsection (b), the words “now or hereafter” and “the provisions of” are omitted as unnecessary.

CODIFICATION

Pub. L. 95-598, title IV, §408(c), Nov. 6, 1978, 92 Stat. 2687, as amended by Pub. L. 98-166, title II, §200, Nov. 28, 1983, 97 Stat. 1081; Pub. L. 98-353, title III, §323, July 10, 1984, 98 Stat. 358; Pub. L. 99-429, Sept. 30, 1986, 100 Stat. 985; Pub. L. 99-500, §101(b) [title II, §200], Oct. 18, 1986, 100 Stat. 1783-39, 1783-45, and Pub. L. 99-591, §101(b) [title II, §200], Oct. 30, 1986, 100 Stat. 3341-39, 3341-45; Pub. L. 99-554, title III, §307(a), Oct. 27, 1986, 100 Stat. 3125, provided for the deletion of any references to United States Trustees in this title at a prospective date, prior to repeal by Pub. L. 99-554, title III, §307(b), Oct. 27, 1986, 100 Stat. 3125.

AMENDMENTS

1986—Pub. L. 99-554, §144(c)(1), substituted “trustees” for “trustee” in section catchline.

Subsec. (a)(1). Pub. L. 99-554, §144(c)(2)(A), inserted reference to trustees in cases under title 11.

Subsec. (a)(2). Pub. L. 99-554, §144(c)(2)(B), struck out references to courts of the Canal Zone and trustees in cases under title 11.

1978—Pub. L. 95-598, §219(b), substituted “marshals, and trustee” for “and marshals” in section catchline.

Subsec. (a)(1). Pub. L. 95-518, §219(a), substituted “marshals, and trustees” for “and marshals”.

Subsec. (a)(2). Pub. L. 95-598, §220, substituted “officers, trustees in cases under title 11” for “officers, referees, trustees and receivers in bankruptcy” and “magistrates” for “commissioners”.

CHANGE OF NAME

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-554 effective 30 days after Oct. 27, 1986, see section 302(a) of Pub. L. 99-554, set out as a note under section 581 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(c) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

§ 527. Establishment of working capital fund

There is hereby authorized to be established a working capital fund for the Department of Justice, which shall be available, without fiscal year limitation, for expenses and equipment

necessary for maintenance and operations of such administrative services as the Attorney General, with the approval of the Office of Management and Budget, determines may be performed more advantageously as central services. The capital of the fund shall consist of the amount of the fair and reasonable value of such inventories, equipment, and other assets and inventories on order pertaining to the services to be carried on by the fund as the Attorney General may transfer to the fund less related liabilities and unpaid obligations together with any appropriations made for the purpose of providing capital. The fund shall be reimbursed or credited with advance payments from applicable appropriations and funds of the Department of Justice, other Federal agencies, and other sources authorized by law for supplies, materials, and services at rates which will recover the expenses of operations including accrual of annual leave and depreciation of plant and equipment of the fund. The fund shall also be credited with other receipts from sale or exchange of property or in payment for loss or damage to property held by the fund. There shall be transferred into the Treasury as miscellaneous receipts, as of the close of each fiscal year, any net income after making provisions for prior year losses, if any.

(Added Pub. L. 93-613, §1(1), Jan. 2, 1975, 88 Stat. 1975.)

CREDITING TO WORKING CAPITAL FUND OF AMOUNTS COLLECTED PURSUANT TO CIVIL DEBT COLLECTION LITIGATION ACTIVITIES

Pub. L. 103-121, title I, §108, Oct. 27, 1993, 107 Stat. 1164, provided that: “Notwithstanding 31 U.S.C. 3302 or any other statute affecting the crediting of collections, the Attorney General may credit, as an offsetting collection, to the Department of Justice Working Capital Fund, for fiscal year 1994 and thereafter, up to three percent of all amounts collected pursuant to civil debt collection litigation activities of the Department of Justice. Such amounts in the Working Capital Fund shall remain available until expended and shall be subject to the terms and conditions of that fund, and shall be used only for paying the costs of processing and tracking such litigation.”

CAPITAL EQUIPMENT ACQUISITION, ETC., BY INCOME RETAINED FROM OR TRANSFERRED TO WORKING CAPITAL FUND; AMOUNTS AND LIMITATIONS

Pub. L. 102-140, title I, Oct. 28, 1991, 105 Stat. 784, provided that:

“Of the total income of the Working Capital Fund in fiscal year 1992 and each fiscal year thereafter, not to exceed 4 percent of the total income may be retained, to remain available until expended, for the acquisition of capital equipment and for the improvement and implementation of the Department’s financial management and payroll/personnel systems: *Provided*, That in fiscal year 1992, not to exceed \$4,000,000 of the total income retained shall be used for improvements to the Department’s data processing operation: *Provided further*, That any proposed use of the retained income in fiscal year 1992 and thereafter, except for the \$4,000,000 specified above, shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 606 of this Act [105 Stat. 824].

“In addition, for fiscal year 1992 and thereafter, at no later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available, unobligated balances of appropriations available to the Department of Justice during such fis-

cal year may be transferred into the capital account of the Working Capital Fund to be available for the departmentwide acquisition of capital equipment, development and implementation of law enforcement or litigation related automated data processing systems, and for the improvement and implementation of the Department's financial management and payroll/personnel systems: *Provided*, That any proposed use of these transferred funds in fiscal year 1992 and thereafter shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 606 of this Act."

§ 528. Disqualification of officers and employees of the Department of Justice

The Attorney General shall promulgate rules and regulations which require the disqualification of any officer or employee of the Department of Justice, including a United States attorney or a member of such attorney's staff, from participation in a particular investigation or prosecution if such participation may result in a personal, financial, or political conflict of interest, or the appearance thereof. Such rules and regulations may provide that a willful violation of any provision thereof shall result in removal from office.

(Added Pub. L. 95-521, title VI, § 603(a), Oct. 26, 1978, 92 Stat. 1874.)

EFFECTIVE DATE

Section effective Oct. 26, 1978, see section 604 of Pub. L. 95-521, set out as a note under section 591 of this title.

§ 529. Annual report of Attorney General

Beginning on June 1, 1979, and at the beginning of each regular session of Congress thereafter, the Attorney General shall report to Congress on the activities and operations of the Public Integrity Section or any other unit of the Department of Justice designated to supervise the investigation and prosecution of—

(1) any violation of Federal criminal law by any individual who holds or who at the time of such violation held a position, whether or not elective, as a Federal Government officer, employee, or special employee, if such violation relates directly or indirectly to such individual's Federal Government position, employment, or compensation;

(2) any violation of any Federal criminal law relating to lobbying, conflict of interest, campaigns, and election to public office committed by any person, except insofar as such violation relates to a matter involving discrimination or intimidation on grounds of race, color, religion, or national origin;

(3) any violation of Federal criminal law by any individual who holds or who at the time of such violation held a position, whether or not elective, as a State or local government officer or employee, if such violation relates directly or indirectly to such individual's State or local government position, employment, or compensation; and

(4) such other matters as the Attorney General may deem appropriate.

Such report shall include the number, type, and disposition of all investigations and prosecutions supervised by such Section or such unit,

except that such report shall not disclose information which would interfere with any pending investigation or prosecution or which would improperly infringe upon the privacy rights of any individuals.

(Added Pub. L. 95-521, title VI, § 603(a), Oct. 26, 1978, 92 Stat. 1874.)

EFFECTIVE DATE

Section effective Oct. 26, 1978, see section 604 of Pub. L. 95-521, set out as a note under section 591 of this title.

§ 530. Payment of travel and transportation expenses of newly appointed special agents

The Attorney General or the Attorney General's designee is authorized to pay the travel expenses of newly appointed special agents and the transportation expenses of their families and household goods and personal effects from place of residence at time of selection to the first duty station, to the extent such payments are authorized by section 5723 of title 5 for new appointees who may receive payments under that section.

(Added Pub. L. 98-86, § 1, Aug. 26, 1983, 97 Stat. 492.)

§ 530A. Authorization of appropriations for travel and related expenses and for health care of personnel serving abroad

There are authorized to be appropriated, for any fiscal year, for the Department of Justice, such sums as may be necessary—

(1) for travel and related expenses of employees of the Department of Justice serving abroad and their families, to be payable in the same manner as applicable with respect to the Foreign Service under paragraphs (3), (5), (6), (8), (9), (11), and (15) of section 901 of the Foreign Service Act of 1980, and under the regulations issued by the Secretary of State; and

(2) for health care for such employees and families, to be provided under section 904 of that Act.

(Added Pub. L. 100-690, title VI, § 6281(a), Nov. 18, 1988, 102 Stat. 4368.)

REFERENCES IN TEXT

Sections 901 and 904 of the Foreign Service Act of 1980, referred to in pars. (1) and (2), are classified to sections 4081 and 4084, respectively, of Title 22, Foreign Relations and Intercourse.

§ 530B. Ethical standards for attorneys for the Government

(a) An attorney for the Government shall be subject to State laws and rules, and local Federal court rules, governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State.

(b) The Attorney General shall make and amend rules of the Department of Justice to assure compliance with this section.

(c) As used in this section, the term "attorney for the Government" includes any attorney described in section 77.2(a) of part 77 of title 28 of the Code of Federal Regulations and also in-

cludes any independent counsel, or employee of such a counsel, appointed under chapter 40.

(Added Pub. L. 105-277, div. A, § 101(b) [title VIII, § 801(a)], Oct. 21, 1998, 112 Stat. 2681-50, 2681-118.)

EFFECTIVE DATE

Pub. L. 105-277, div. A, § 101(b) [title VIII, § 801(c)], Oct. 21, 1998, 112 Stat. 2681-50, 2681-119, provided that: "The amendments made by this section [enacting this section] shall take effect 180 days after the date of the enactment of this Act [Oct. 21, 1998] and shall apply during that portion of fiscal year 1999 that follows that taking effect, and in each succeeding fiscal year."

CHAPTER 33—FEDERAL BUREAU OF INVESTIGATION

Sec.	
531.	Federal Bureau of Investigation.
532.	Director of Federal Bureau of Investigation. ¹
533.	Investigative and other officials; appointment.
534.	Acquisition, preservation, and exchange of identification records and information; appointment of officials.
535.	Investigation of crimes involving Government officers and employees; limitations.
536.	Positions in excepted service.
537.	Expenses of unforeseen emergencies of a confidential nature. ¹
538.	Investigation of aircraft piracy and related violations.
539.	Counterintelligence official reception and representation expenses.
540.	Investigation of felonious killings of State or local law enforcement officers.
540A.	Investigation of violent crimes against travelers.
540B.	Investigation of serial killings.

AMENDMENTS

1998—Pub. L. 105-314, title VII, § 701(b), Oct. 30, 1998, 112 Stat. 2987, added item 540B.

1994—Pub. L. 103-322, title XXXII, § 320916(b), Sept. 13, 1994, 108 Stat. 2129, added item 540A.

Pub. L. 103-272, § 4(e)(2), July 5, 1994, 108 Stat. 1361, added item 538.

1988—Pub. L. 100-690, title VII, § 7331(b), Nov. 18, 1988, 102 Stat. 4468, added item 540.

1986—Pub. L. 99-569, title IV, § 401(b), Oct. 27, 1986, 100 Stat. 3195, added item 539.

1982—Pub. L. 97-292, § 3(b), Oct. 12, 1982, 96 Stat. 1260, inserted "and information" after "identification records" in item 534.

1966—Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 616, substituted "FEDERAL BUREAU OF INVESTIGATION" for "UNITED STATES MARSHALS" in chapter heading, added items 531 to 537, and struck out items 541 to 556.

CROSS REFERENCES

Powers of Federal Bureau of Investigation, see section 3052 of Title 18, Crimes and Criminal Procedure.

§ 531. Federal Bureau of Investigation

The Federal Bureau of Investigation is in the Department of Justice.

(Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 616.)

HISTORICAL AND REVISION NOTES

The section is supplied for convenience and clarification. The Bureau of Investigation in the Department of Justice, the earliest predecessor agency of the Federal

Bureau of Investigation, was created administratively in 1908. It appears that funds used for the Bureau of Investigation were first obtained through the Department of Justice Appropriation Act of May 22, 1908, ch. 186, § 1 (par. beginning "From the appropriations for the prosecution of crimes"), 35 Stat. 236, although that statutory provision makes no express mention of the Bureau or of the investigative function.

Section 3 of Executive Order No. 6166 of June 10, 1933, specifically recognized the Bureau of Investigation in the Department of Justice and provided that all that Bureau's functions together with the investigative functions of the Bureau of Prohibition were "transferred to and consolidated in a Division of Investigation in the Department of Justice, at the head of which shall be a Director of Investigation."

The Division of Investigation was first designated as the "Federal Bureau of Investigation" by the Act of Mar. 22, 1935, ch. 39, title II, 49 Stat. 77, and has been so designated in statutes since that date.

MORGAN P. HARDIMAN CHILD ABDUCTION AND SERIAL MURDER INVESTIGATIVE RESOURCES CENTER

Pub. L. 105-314, title VII, § 703(a)-(f), Oct. 30, 1998, 112 Stat. 2987-2989, provided that:

"(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act [Oct. 30, 1998], the Attorney General shall establish within the Federal Bureau of Investigation a Child Abduction and Serial Murder Investigative Resources Center to be known as the 'Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center' (in this section referred to as the 'CASMIRC')."

"(b) PURPOSE.—The CASMIRC shall be managed by the National Center for the Analysis of Violent Crime of the Critical Incident Response Group of the Federal Bureau of Investigation (in this section referred to as the 'NCAVC'), and by multidisciplinary resource teams in Federal Bureau of Investigation field offices, in order to provide investigative support through the coordination and provision of Federal law enforcement resources, training, and application of other multidisciplinary expertise, to assist Federal, State, and local authorities in matters involving child abductions, mysterious disappearances of children, child homicide, and serial murder across the country. The CASMIRC shall be co-located with the NCAVC."

"(c) DUTIES OF THE CASMIRC.—The CASMIRC shall perform such duties as the Attorney General determines appropriate to carry out the purposes of the CASMIRC, including—

"(1) identifying, developing, researching, acquiring, and refining multidisciplinary information and specialties to provide for the most current expertise available to advance investigative knowledge and practices used in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

"(2) providing advice and coordinating the application of current and emerging technical, forensic, and other Federal assistance to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

"(3) providing investigative support, research findings, and violent crime analysis to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

"(4) providing, if requested by a Federal, State, or local law enforcement agency, on site consultation and advice in child abduction, mysterious disappearances of children, child homicide and serial murder investigations;

"(5) coordinating the application of resources of pertinent Federal law enforcement agencies, and other Federal entities including, but not limited to, the United States Customs Service, the Secret Service, the Postal Inspection Service, and the United States Marshals Service, as appropriate, and with the

¹ So in original. Does not conform to section catchline.